



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities."

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, Arizona 85003

# FORMAL MEETING MINUTES

## BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, October 7, 2009**

**9:00 AM**

**1. INVOCATION**

Susan Schuerman, District 2, gave the invocation.

**2. PLEDGE OF ALLEGIANCE**

Betty Colwell, Clerk of the Board's Office, led the assemblage in the Pledge to the Flag.

**3. ROLL CALL**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, October 07, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Outside Counsel to the Board.

**BOARD OF SUPERVISORS**

**4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL**

Dr. Rodrigo Silva, Assistant County Manager and Director of Animal Care and Control, introduced six-year, Cosmo, that he said looked like a pure-bred Jack Russell Terrier. Dr. Silva admitted that Cosmo doesn't like cats but countered that he is good on a leash. Cosmo would like to be adopted and costs only \$50 today. In fact, Dr. Silva said all dogs at the shelter are \$50 for a short period of time and all cats are \$25.

Dr. Silva thanked the Board for their support of Animal Care and Control through the years. He said that last year the intake increased by 2% to 57,000 animals, the adoption rate increased by 24% and rescue increased by 21%. He attributed this to the County's support and the help of their New Hope partners, the donations of many and the new facilities that were approved by the Board.

**5. PROCLAMATION**

Proclaim Maricopa County Hunger and Homelessness Awareness Week, October 25 - 31, 2009. (C-06-10-107-M-00)

The Clerk read the proclamation.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**PRESENTATIONS**

**6. PRESENTATION OF CHECK FROM APS SOLUTIONS FOR BUSINESS INCENTIVE PROGRAM REBATES**

The Facilities Management Department and Arizona Public Service Company are pleased to present the Maricopa County Board of Supervisors with a representative check in the

amount of \$177,800 through the APS Solutions for Business incentive program. This check represents incentive rebates offered on 18 projects which have been accomplished from 2006 through 2009, to date. (C-91-10-043-P-00)

Kenny W. Harris, P.E., Asst. County Manager for Public Works, County Engineer  
Janet E. Palacino, Director, Facilities Management Department  
Bruce Evans, Energy Engineer Associate, Facilities Management Department  
Terry Orlick, Director of Customer Information & Programs, Arizona Public Service Company  
Kendra Cea, Area Manager, Arizona Public Service Company

Kenny Harris, Assistant County Manager, introduced Janet Palacino, Facilities Management Director, who said they had worked hard to reduce the consumption of energy used by the County and would continue to improve practices to further reduce the amount of energy used to their goal of a 5% reduction by 2013. She said this rebate check for \$177,800 comes from various projects that they have completed.

Terry Orlick, Director of Customer Information and Programs for Arizona Public Service (APS), commended Maricopa County for its leadership in commitment to environmental stewardship, adding, "It's a privilege for APS to consider you a partner." She thanked the Board for making the decision to invest in energy efficiency and renewables. She said this decision will help to benefit residents of Maricopa County today and for years to come.

Kendra Cea, APS Area Manager, acknowledged the work done in energy management by the County in joining with APS in their efforts to conserve energy. She noted future projects in which this partnership would continue to expand energy efficiencies and savings. She said APS hopes to bring another rebate check to the County very soon.

## **STATUTORY HEARINGS**

### **Clerk of the Board**

#### **7. LIQUOR LICENSE APPLICATIONS**

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

##### **a. SPECIAL EVENT LICENSES FOR KNIGHTS OF COLUMBUS #12144**

Pursuant to A.R.S. § 4-203.02, approve the Special Event Liquor License Applications filed by Richard F. McManus for the Knights of Columbus #12144 at 9728 Palmeras Drive, Sun City West, AZ 85373 to be held on October 30, 2009 and November 14, 2009 from 4:00 p.m. to 11:00 p.m. (Supervisory District #4) (C-06-10-075-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

##### **b. SPECIAL EVENT LICENSE FOR ST. STEVENS CATHOLIC CHURCH**

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Fr. Pierre Hissey for the St. Stevens Catholic Church at 24827 S. Dobson

Road, Sun Lakes, AZ 85248 to be held on October 30, 2009 from 5:00 p.m. to 10:30 p.m. (Supervisory District 1) (C-06-10-071-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

**c. SPECIAL EVENT LICENSES FOR ROTARY CLUB OF ANTHEM**

Pursuant to A.R.S. § 4-203.02, approve the Special Event Liquor License Applications filed by Craighton T. Boates for the Rotary Club of Anthem at 41703 N. Gavilan Peak Parkway, Anthem AZ 85056 to be held on October 17, 2009 from 5:00 p.m. to 12:00 a.m., October 24, 2009 from 9:00 a.m. to 5:00 p.m. and October 25, 2009 from 10:00 a.m. to 5:00 p.m. (Supervisory District 3) (C-06-10-074-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

**d. SPECIAL EVENT LICENSE FOR OUR LADY OF GUADALUPE MISSION/ST. WILLIAMS PARISH**

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by David H. Carrillo for the Our Lady of Guadalupe Mission/St. Williams Parish at 6807 West Lower Buckeye Road, Phoenix, AZ. 85043 to be held on October 24, 2009 from 3:00 p.m. to 11:00 p.m. and October 25, 2009 from 12:00 p.m. to 8:00 p.m. (Supervisory District 5) (C-06-10-100-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

**e. SPECIAL EVENT LICENSE FOR SPEEDWORLD R/C FLYERS**

Pursuant to A.R.S. § 4-203.02, approve a Special Event Liquor License Application filed by Randal Dauer for the Speedworld R/C Flyers at 19421 Jomax Road, Wittmann, AZ 85361 to be held on October 16, 17 and 18, 2009 from 10:00 a.m. to 8:00 p.m. (Supervisory District 4) (C-06-10-072-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

**f. NEW LICENSE FOR HEART AND SOUL CAFE**

Pursuant to A.R.S. § 4-201, approve an application filed by Sheila Lori Bryson for a New Series 12 Liquor License for Heart and Soul Cafe at 4705 E. Carefree Highway #117, Cave Creek, AZ. 85331. (AZ12078086) (Supervisory District 3) (C-06-10-101-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Nays: Brock

## AGENCY ITEMS AND STATUTORY MATTERS

### COUNTY OFFICERS

#### Board of Supervisors

#### 8. LEGAL ACTION RELATED TO ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION

Authorize legal action in support of the State Land Department's appeal of the Arizona Navigable Stream Adjudication Commission's (ANSAC) Gila River adjudication, consistent with prior Board actions relating to this issue. This item was discussed in executive session on September 14, 2009. (C-06-10-097-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

#### Clerk of the Board

#### 9. AMENDMENT TO THE MARICOPA COUNTY 2009 TAX LEVY PACKET

Approve an amendment to the "Maricopa County 2009 Tax Levy Packet" approved by the Board of Supervisors on August 17, 2009 under C-49-10-006-2-00. This amendment will correct the primary and secondary tax levy, net assessed value and tax rates for the Wickenburg Unified School District #9 listed in Schedule G, page 15 and Schedule H, page 27.

The Wickenburg Unified School District #9 submitted an amended budget and changed the amount needed to be raised by taxation. The district net assessed value was also listed incorrectly in the original tax levy packet. Based on the amended budget, the tax levy packet will be amended as follow:

Maricopa County
School District Operating Levies
Primary Roll
Fiscal Year 2009-10

Schedule G, page 15 is amended  
as follows:

DISTRICT	2009 PROPERTY TAX LEVY	2009 NET ASSESSED VALUE	DISTRICT NUMBER	2009 PRIMARY TAX RATE
Wickenburg #9 (Unified)				
Maintenance and Operation	5,144,715			2.5018
	7,393,559			3.5068
Capital Outlay	69,815			0.0339
	101,986			0.0484
Soft Capital	40,658			0.0052

	107,126			0.0508
Special Improvements	0			0.0000
	0			0.0000
<b>Total</b>	<del>5,225,188</del>	<del>205,644,652</del>	<del>07009</del>	<del>2.5409</del>
	7,602,671	210,834,950	07009	3.6060

<b>Maricopa County</b>
<b>School District Debt, Override, and Special Tax Levies</b>
<b>Secondary Roll</b>
<b>Fiscal Year 2009-10</b>

**Schedule H, page 27 is amended  
as follows:**

<b>DISTRICT</b>	<b>2009 SECONDARY PROPERTY TAX LEVY</b>	<b>2009 NET ASSESSED VALUE</b>	<b>DISTRICT NUMBER</b>	<b>2009 SECONDARY TAX RATE</b>
Wickenburg #9 (Unified)				
Voter Override- Capital Outlay	0			0.0000
	0			0.0000
Voter Override - M&O	<del>622,537</del>			<del>0.2336</del>
	622,559			0.2294
Class A bonds	<del>388,201</del>			<del>0.1456</del>
	388,215			0.1430
Class B bonds	<del>1,551,119</del>			<del>0.5819</del>
	1,551,174			0.5715
<b>Total</b>	<del>2,561,857</del>	<del>266,546,453</del>	<del>07009</del>	<del>0.9611</del>
	2,561,948	271,415,869	07009	0.9439

In addition, direct the County Treasurer to make corresponding changes in the affected tax bills.

The Wickenburg Unified School District #9 will reimburse Maricopa County an estimated \$10,250 for sending revised tax notices. (C-49-10-006-2-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**County Attorney**

**10. AMERICAN RECOVERY AND REINVESTMENT ACT GRANT THROUGH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR VICTIMS OF CRIME**

Approve acceptance of \$799,574 in additional grant funds from the Arizona Criminal Justice Commission. These funds come from the American Recovery and Investment Act (ARRA) of 2009 and Federal Fiscal Year 2009-2010 Victims of Crime Act (VOCA) funds passed through the Arizona Criminal Justice Commission. The Above amount includes \$278,493 in funding from ARRA funds and \$521,081 in Federal VOCA funds. Funding commences October 1, 2009 and will terminate on September 30, 2010. These monies are for use solely for the benefit of victims of crime through the Maricopa County Victim Compensation Program. The Board of Supervisors approved Arizona Criminal Justice Commission certification number VC-10-056 on July 22, 2009 (C-19-09-065-G-00).

The grant allows a 0% rate for indirect costs, or \$0 that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's Office's composite indirect cost rate at 14.4%, or \$115,139. The recoverable indirect cost of administering this grant is \$0; the non-recoverable indirect cost is \$115,139. This grant does not require Maricopa County to provide any matching funds, nor does it require any on-going continuation of effort after termination of the grant program.

Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore budget law does not prohibit expenditure of the funds.

These additional funds, in the amount of \$799,574, will be used to provide compensation awards to victims of criminally injurious conduct within Maricopa County. The Maricopa County Attorney's Office assures compliance with the Victim Compensation Program Rules R10-4-101 through R10-4-111 et. seq. and the Guidelines for Crime Victim Organizational Audit requirements of Federal OMB Circular A-133, "Audits of State, Local Government and Non-Profit Organizations." There is no expectation of continued funding. No signature is required for receipt of the additional grant funds. (C-19-09-065-G-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Sheriff**

**11. IGA WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT FOR ONE FULL TIME DEPUTY TO PATROL FLOOD CONTROL LAND**

Approve an Intergovernmental Agreement between Maricopa County on behalf of the Sheriff's Office and the Maricopa County Flood Control District whereby the District will fund the salary and benefits of one Sheriff's deputy and will furnish required equipment, supplies, and operational costs as specified by the Sheriff's Office. The term of this agreement is five years and it can be canceled with a 30-day written notice.

An existing Flood Control vehicle (Ford Explorer) will be reassigned and equipped for deputy use. It will have Sheriff's Office markings and will be a take home vehicle due to the nature of the assignment, which requires week end responses and flood emergencies where it would be quicker for the deputy to leave from his home. The vehicle will remain a Flood Control asset for the duration of the agreement and afterward.

Also per A.R.S. §42-17106 approve increases in Sheriff's Office FY 2010 recurring 0000 general fund (100) revenue and expenditures as follows: \$62,100, \$82,800 annualized to fund one new deputy position. The new position will exist for the duration of the contract. (C-50-10-036-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**12. REIMBURSEMENT AGREEMENT FOR OVERTIME WORKED WITH THE DRUG ENFORCEMENT ADMINISTRATION FOR ORGANIZED CRIME DRUG ENFORCEMENT**

Approve the Agreement and acceptance of up to \$20,000 in continued overtime reimbursement funding from the Drug Enforcement Administration, Organized Crime Drug Enforcement. The term of this Agreement is from October 1, 2009 through September 30, 2010.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this Agreement are estimated to be \$3,320. (C-50-10-040-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**13. AGREEMENT WITH US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION FOR OVERTIME REIMBURSEMENT**

Approve the agreement and acceptance of up to \$33,806.50 in continued reimbursement funding from the US Department of Justice, Drug Enforcement Administration. The term of this agreement is the date of signature by representative of both parties to September 30, 2010.

The Sheriff's Office FY10 indirect cost rate is 16.6%. The unrecoverable indirect costs are estimated to be \$5,611.88. (C-50-10-041-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**14. IGA WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR THE GANG & IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION STATE GANG TASK FORCE**

Approve the Intergovernmental Agreement (IGA) between the Arizona Department of Public Safety and the Maricopa County Sheriff's Office and acceptance of up to \$37,936 for FY 2009-10. The Agreement designates one non P.O.S.T. certified officer to work under the direction of DPS and the Gang & Immigration Intelligence Team Enforcement Mission (GIITEM) State Gang Task Force. The term of this Agreement is July 1, 2009 through June 30, 2010 and shall renew annually on July 1st for a period of time not-to-exceed five years.

This IGA will reimburse 75% of the officer's payroll expenses. The Sheriff's Office indirect cost rate for FY2010 is 16.6%. The unrecoverable indirect costs associated with this IGA are estimated to be \$6,297.38. (C-50-10-039-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson



**15. AMENDMENT TO COOPERATIVE LAW ENFORCEMENT AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, TONTO NATIONAL FOREST**

Approve Amendment No. 6 to the Cooperative Law Enforcement Agreement between the Maricopa County Sheriff's Office and the U.S. Department of Agriculture, Forest Service, Tonto National Forest and acceptance of up to \$161,500 in reimbursement funding for the FY2010 Financial and Operating Plan. It also allows reimbursement of overtime for deputies working enforcement situations relating to fire emergencies. The reimbursement period is effective upon the final signature through September 30, 2010.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this Agreement are estimated to be \$26,809. The Law Enforcement Cooperative Agreement was approved by the Board of Supervisors on December 21, 2005 (C-50-06-514-2-00). The Sheriff's Office has been providing services to the Tonto National Forest since at least 1980. (C-50-06-514-2-06)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**16. AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE 2009 HOMELAND SECURITY GRANT PROGRAM PROJECT, MCSO AZLINK**

Approve the Agreement with the Arizona Department of Homeland Security for the 2009 Homeland Security Grant Program, MCSO AZLink (Project # 555811-01) and acceptance of up to \$590,000. The term of the Agreement is October 1, 2009 through September 30, 2010.

Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase the necessary hardware and software for the expansion/link of COPLINK. This equipment will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of its useful life.

The Sheriff's Office indirect cost rate for FY2010 is 16.6% (\$97,940). Unrecoverable indirect costs associated with this Agreement are estimated to be \$9,960. There will be capital equipment purchases, valued at \$530,000 that are excluded from the indirect cost calculation. (C-50-10-043-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**17. AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE 2009 HOMELAND SECURITY GRANT PROGRAM PROJECT, AZLINK INTELLIGENCE SYSTEMS EXPANSION PROJECT**

Approve the Agreement with the Arizona Department of Homeland Security for the 2009 Homeland Security Grant Program, AZLink Intelligence Systems Expansion Project (Project # 555208-02) and acceptance of up to \$530,989. The term of the Agreement is October 1, 2009 thru September 30, 2010.

Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase the necessary hardware and software for the expansion of COPLINK. This equipment will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of its useful life.

The Sheriff's Office indirect cost rate for FY2010 is 16.6% (\$88,144.18). Unrecoverable indirect costs associated with this Agreement are estimated to be \$11,460.81. There will be capital equipment purchases that total \$461,948 that are excluded from the indirect cost calculation. (C-50-10-044-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**18. AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE 2009 HOMELAND SECURITY GRANT PROGRAM, TERRORISM LIAISON OFFICERS SUSTAINMENT**

Approve an Agreement with the Arizona Department of Homeland Security (AZDOHS) for the 2009 Homeland Security Grant Program, TLO Sustainment (Project # 555811-03) and acceptance of up to \$20,000.00. The term of this award is October 1, 2009 through September 30, 2010.

Also, approve an exception to the Technology Finance Program (TFP) for the one-time purchase of specialty communication equipment to support the Terrorism Liaison Officers (TLO) Program.

The Sheriff's Office indirect cost rate for FY2010 is 16.6%. Unrecoverable indirect costs associated with this Agreement are estimated to be \$3,320.00. (C-50-10-045-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **JUDICIAL BRANCH**

### **Adult Probation**

**19. AMERICAN RECOVERY AND REINVESTMENT ACT GRANT FOR THE CREATION OF A PRISON RE-ENTRY INITIATIVE**

Accept the grant funding through the American Recovery and Reinvestment Act of 2009 in the amount of \$ 2,045,584 from the Bureau of Justice Assistance to Maricopa County through its Department of Adult Probation for the creation of a prison re-entry initiative to reduce recidivism of individuals from the Arizona Department of Corrections to probation, thereby increasing neighborhood safety and the efficiency of the criminal justice system. The term of the grant is from August 1, 2009 through July 31, 2011. The Adult Probation Department's indirect rate for FY 2009-10 is 10.0%. The grant allows for full indirect cost recovery. Therefore, indirect costs estimated at \$185,962 are fully recoverable.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditures of these revenues are not prohibited by the budget law. (C-11-10-004-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Justice Courts**

**20. TRANSFER EXPENDITURE APPROPRIATION FOR JUSTICE COURTS TEMPORARY CLERK POOL**

Pursuant to A.R.S. §42-17106, transfer FY 2009-10 expenditure appropriation of \$305,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to Justice Courts (240) Justice Courts Special Revenue Fund (245) Non-Recurring/Non-Project (0001). Approval of this action will support Justice Courts staffing of a temporary clerk pool through the use of a one-time expenditure from fund balance. Temporary staff will be used to assist in processing photo radar cases.

This authorization is required to pay for the usage of temporary staff from the Justice Courts Special Revenue Fund (245). The temporary clerks will be hired through an outside contract agency. (C-24-10-002-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Superior Court**

**21. ADMINISTRATIVE CORRECTION TO SUPERIOR COURT ELECTRONIC COURTROOM PURCHASE AND INSTALLATION**

Approve an Administrative Correction to the action taken on September 2, 2009 (C-80-10-004-2-00) that approved the transfer of FY2009-10 expenditure appropriation in the amount of \$101,100 for installation of previously procured electronic equipment for specific courtrooms and hearing rooms in the East Court Building (ECB) and the Central Court Building (CCB). This correction will transfer the installation funding for ECB 714 and ECB 811 and the CCB 9th floor hearing room to courtrooms at the South East Court Facility (SECF) in Mesa. Specific SECF courtrooms to receive installation costs are to be determined by the Court at a later date.

The Court, due to the movement of criminal divisions from the SEF to the downtown Court campus, requires redeployment of installation funding costs to the SEF. (C-80-10-004-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**COUNTY MANAGER**

**Office of Public Defense Services**

**22. DELEGATION OF AUTHORITY TO ENTER INTO AGREEMENTS OR CONTRACTS WITH EXPERT TRIAL WITNESSES**

Delegate to the directors of the Maricopa County Public Defense offices and the County Attorney the continued authority to enter into agreements or contracts with expert trial witnesses. No changes are required to the Procurement Code, as trial experts are already exempt from its provisions. There is no financial impact associated with this action.

Historically the offices providing indigent legal representation and prosecution have contracted directly with expert witnesses to provide analysis, reporting, trial testimony, and associated research. This practice has been long established and is accompanied by a number of internal processes that ensure appropriate controls. Documentation of the delegated authority to enter into these contracts cannot be located. Therefore, this agenda item is intended to remedy the situation.

Appellate courts have repeatedly held that, if the need legitimately exists, experts must be retained in order to properly present the litigants' cases. In the criminal arena, scientific evidence has created a large demand for experts in specialties that did not exist as little as 10 years ago. The sheer number of requests for experts is such that to send them to the Board or the Chief Procurement Officer would be burdensome and time consuming.

Further, the nature of the requests are such that they should not be public records or known to anyone outside the representation of the party seeking the services of the expert. If these requests are made public because they are channeled through either the Board or Procurement Officer, ethical problems will arise. Once the request is "published" to anyone outside the litigation team, it is no longer privileged. Violation of the privilege could result in Bar sanctions to the attorneys involved. (C-52-10-003-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Office of the County Manager**

**23. ACCEPT INDIAN GAMING GRANT FUNDS FOR MARICOPA COUNTY COLLEGE DISTRICT ACE PROGRAM**

Pursuant to A.R.S. 5-601.02, authorize the acceptance of and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Salt River Pima-Maricopa Indian Community for the Maricopa County College District ACE Program in an amount not-to-exceed \$25,000 for FY2010 and \$25,000 for FY2011 for a total of \$50,000. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Salt River Pima-Maricopa Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. § 42-17106(b), approve an appropriation adjustment to County Manager's Office (200), Non-Departmental Grant Fund (249), Function Code 0001, increasing the revenue and expenditure budgets not-to-exceed \$25,000 for FY2010 and \$25,000 for FY2011 for a total of \$50,000. Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-20-10-013-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**DEPUTY COUNTY MANAGER**

**Public Health**

**24. DONATION FROM ORDER OF ST. LAZARUS FOR HANSEN'S DISEASE TREATMENT PROGRAM**

Authorize the acceptance of the donation of funds from Order of St. Lazarus in the amount not-to-exceed \$2,000.00 to the Department of Public Health's Hansen 's Disease Treatment Program. (C-86-10-036-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**25. IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT D.B.A. MARICOPA INTEGRATED HEALTH SYSTEM FOR FOLIC ACID EDUCATION AND VITAMIN DISTRIBUTION**

Approve Intergovernmental Agreement (IGA) between Maricopa County Special Health Care District, d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County through its Department of Public Health (MCDPH), to provide eligible clients of MIHS' Internatal Care Program with folic acid education and vitamin distribution. This IGA provides funding in an amount not-to-exceed \$4,184 for budget period starting September 28, 2009 through June 30, 2010.

Funding for this IGA is provided through a grant from ADHS and does not affect the county general fund. (C-86-10-039-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**26. IGA WITH ARLINGTON SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Arlington School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$1,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-031-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**27. IGA WITH CARTWRIGHT SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Cartwright School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$18,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-032-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**28. IGA WITH LIBERTY ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Liberty Elementary School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$3,450 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-033-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**29. IGA WITH QUEEN CREEK UNIFIED SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Queen Creek Unified School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$6,900 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-034-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**30. IGA WITH TOLLESON ELEMENTARY SCHOOL DISTRICT AND FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Approve an Intergovernmental Agreement (IGA) between Tolleson Elementary School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$2,000 for budget period beginning July 1, 2009 through May 1, 2010. Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-035-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**31. PURCHASE ORDER TO INCREASE FUNDING FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS**

Approve the Purchase Order (EOH32742) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for additional funding

for the Intergovernmental Agreement (IGA) (HG754199) for the Office of Preparedness and Response (OPR). This purchase order funds activities related to Public Health Emergency Preparedness. The purchase order allows to encumber in full a not-to-exceed \$1,669,770 for the budget period starting September 1, 2009 through August 30, 2010.

Also, approve Purchase Order (EOH32743) from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health for additional funding for the Intergovernmental Agreement (IGA) (HG754199) for the Office of Preparedness and Response (OPR). This purchase order funds activities related to Public Health Emergency Preparedness Program – City Response Initiative (CRI). The purchase order allows to encumber in full a not to exceed \$1,046,855 for the budget period starting September 1, 2009 through August 30, 2010. The two purchase orders combined bring the total amount for this grant to the not-to-exceed amount of \$2,716,625 for the budget period September 1, 2009 until August 30, 2010.

The Department of Public Health indirect rate for FY 2009-10 is 19.5%. Full indirect cost is allowed. Therefore, \$443,298.64 is allowable.

Funds for this IGA are provided by a grant from ADHS and does not affect the County's general fund. The MCDPH, Office of Preparedness Response was previously known as the Maricopa Department of Public Health Emergency Management Program (PHEM). (C-86-07-050-2-08)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**32. AFFILIATION AGREEMENT WITH ROSEWOOD CENTERS FOR EATING DISORDERS TO PROVIDE CLINICAL NUTRITION TRAINING**

Approve the Affiliation Agreement with Rosewood Centers for Eating Disorders to provide clinical nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is to be from October 1, 2009 through June 30, 2014.

As a part of its established accredited dietetic internship program, the Department of Public Health seeks to provide its dietetic interns with a broad and diverse practicum experience. This agreement with Rosewood Centers for Eating Disorders would allow dietetic interns to receive approved dietetic student and practicum experience in clinical nutrition. Supervised by Rosewood registered dietitians at Rosewood facilities, interns would continue to be responsible to Public Health. This agreement is non-financial, and does not affect the County general fund. (C-86-10-037-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**33. NOTICE OF GRANT AWARD FOR SOUTH PHOENIX HEALTHY START PROGRAM**

Approve the Notice of Grant Award (No.H49MC00174) from the Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County by and through the Department of Public Health's South Phoenix Healthy Start Program for eliminating disparities in perinatal health. This grant award provides additional funding in the amount of \$52,721 bringing total funding amount from \$400,000 to \$452,721 for budget period February 1, 2009 through January 31, 2010.

The Department of Public Health's indirect rate for FY 2009-10 is 19.5%. HRSA allows for only 10% indirect costs for this grant. Full indirect costs are estimated at \$9,346 of which \$4,793 is recoverable and \$4,553 is unrecoverable.

Funding for this agreement is provided by a Grant from HRSA and will not increase the County general fund budget. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. (C-86-02-165-2-16)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**34. AMENDMENT TO PROVIDER PARTICIPATION AGREEMENT WITH MAGELLAN HEALTH SERVICES OF ARIZONA INC FOR CLIENT SERVICES**

Approve Amendment No. 2 to the Provider Participation Agreement between Magellan Health Services of Arizona, Inc. and Maricopa County through its Department of Public Health (MCDPH), Health Care for the Homeless Clinic (HCH). This amendment will revise the Agreement to reflect FY2010 Bridge Funding, revisions to the Provider Participation Agreement, to replace the Scope of Work and to replace the Provider Funding Terms. This amendment is effective as of July 1, 2009 through September 30, 2009 and increases the maximum amount HCH is allowed to bill for behavioral health services by \$29,180.36, bringing the total from \$175,000 to \$204,180.36.

The Department of Public Health's full indirect rate for FY 2009-10 is 19.5%. This agreement is part of Healthcare for the Homeless grant agreement as program income which allows for indirect reimbursement at a rate of 15.397%. The estimated total of \$4,931 in total indirect expense, \$3,893 is recoverable and \$1,038 is unrecoverable.

All other terms and provisions of the Agreement not modified as set forth herein shall remain in full force and effect. (C-86-08-024-1-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**35. GRANT BUDGET APPROPRIATION ADJUSTMENTS**

Approve increases in the appropriated budget for Public Health (860) Public Health Grant Fund (532) Operating (0000) in the amount of \$10,776,576 in revenues and \$10,763,281 in expenditures as identified on the Fiscal Year 2009-10 Grant Summary Worksheet on file in the Office of the Clerk of the Board. This appropriation adjustment brings MCDPH's grant budget to the amount of \$40,259,241. The appropriation adjustment is necessary because the carry forward amounts of prior year grants and award amounts of new grants differ from the amount approved in the FY 2009-10 Budget Appropriation. This action is in accord with the action plan developed by the Office of Management and Budget and MCDPH to insure compliance with the Board approved Budgeting for Results Accountability Policy. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The indirect cost rate is 19.5%, as calculated by the Department of Finance. Most of the grants for FY 2009-10 allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the Grant Summary Worksheet on file in the Office of the Clerk of the Board. (C-86-10-030-G-00)



Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**36. AGREEMENTS WITH TELEVOX SOFTWARE INC. FOR VACCINE REMINDER PROGRAM**

Approve a non-financial Service Agreement and Business Associate Agreement between TeleVox Software, Inc. and Maricopa County through its Department of Public Health's (MCDPH) Immunization Program for implementing a Vaccine Reminder Program. These agreements will allow TeleVox Software, Inc. to deliver the Wyeth-Sponsored Vaccine Reminder Program, a vaccine reminder callback and postcard program to clients of MCDPH's Immunization Services. These agreements are non-financial and effective upon date of execution by the Board of Supervisors, and will remain in effect for a period of one year following execution.

On August 14, 2009, Maricopa County issued a Notice of Intent (NOI) (Serial # PH NOI 10-009) for MCDPH's intent to enter into an Agreement with TeleVox Software, Inc. As of the NOI deadline of September 1, 2009, 2pm MST, MCDPH's Office of Procurement confirmed no other interest in response to this NOI. (C-86-10-027-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Risk Management**

**37. AMENDMENT TO ENVIRONMENTAL ACCESS AGREEMENT**

Approve Amendment No. 2 to the Environmental Access Agreement (C-75-07-036-0-00) between Arizona Public Service (APS) and Maricopa County allowing access to County property at 320 W. Lincoln Street for additional soil, vapor, and groundwater monitoring pursuant to Paragraph 4 of the original agreement. Amendment No. 2 also amends Paragraph 7 of the original Agreement to change the termination date of the Agreement from May 8, 2008 to May 8, 2014. (C-75-07-036-0-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Workforce Management and Development**

**38. ~~AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES~~**

~~Amendment No. 1 to Intergovernmental Agreement (IGA) HG952236 between Arizona Department of Health Services (ADHS) and Maricopa County through the Workforce Management and Development, amending amount to not to exceed amount of \$1,000,000 to \$2,000,000. The purpose of this Intergovernmental Agreement is to provide AIDS Pharmaceutical Assistance, administered by the Ryan White Part B Program. This Intergovernmental Agreement new effective date will be from January 28, 2009 until February 28, 2010. Item withdrawn at the request of the department. (C-31-09-008-3-01)~~

~~This item was withdrawn.~~

**39. ACCEPT CARRYOVER FUNDS FROM HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) FOR RYAN WHITE PART A HIV/AIDS PROGRAM**

Acceptance of grant funds from Health Services Resources Administration, Grant No. H89HA11478, in the not-to-exceed amount of \$100,000. These grant funds are for Carryover Funds from Health Resources and Services Administration (HRSA) For Ryan White Part A HIV/Aids Program. The grant award begins on March 1, 2009 and ends on February 28, 2010. Authorize the Chairman to sign all documents related to these grant funds, as applicable.

The additional funding of \$100,000 is for direct services only and will be passed through to subrecipients and therefore not subject to indirect charges.

Also, approve revenue and expenditure appropriation adjustments to the RYAN WHITE Part A (390) associated with the grant in the amount of \$100,000 for FY 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-31-10-004-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**40. ACCEPT ADDITIONAL FUNDS FOR RYAN WHITE HIV/AIDS MINORITY AIDS TREATMENT MODERNIZATION ACT. PART A MINORITY AIDS INITIATIVE**

Approve the acceptance of an additional \$265 for the Minority Aids Initiatives (MAI) Grant. The Board of Supervisors previously approved acceptance of grant funds on March 18, 2009 (C-31-09-011-G-00) for 2009-2010 not-to-exceed \$227,675. The Health Services Resource Administration has awarded a total of \$227,940 for this grant period, which is an increase of \$265. (C-31-09-011-G-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**41. GRANT APPLICATION FOR RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT-PART A FOR FISCAL YEAR 2010-2011**

Approve the application and acceptance of grant funds from Health Services Resources Administration, (H89HA00031), in the not-to-exceed amount of \$8,247,613 for the purpose of providing life saving medical and support services to low income or uninsured people infected with HIV or AIDS. The grant award begins on March 1, 2010 and ends on February 28, 2011. Authorize the Chairman to sign all documents related to these grant funds, as applicable. Ryan White Healthcare program indirect rate for FY 09/10 is 14.8%. The grant allows a 10% rate for indirect costs. The recoverable indirect cost of administering this grant is \$112,467; the non-recoverable indirect cost is \$53,984 and \$7,010,471. is passed through to sub-recipients and not subject to indirect rates charged by departments in Maricopa County.

Upon receipt of funds and pursuant to ARS §42-17106(B), approve revenue and expenditure appropriation adjustments to the Ryan White (390) associated with the grant in the amount of \$8,247,613 for FY 2010. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S.

§42-17105. (C-31-10-005-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

### **Animal Care and Control**

#### **42. DONATION FROM FRIENDS OF ANIMAL CARE AND CONTROL**

Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ to fund the Maricopa County Spay/Neuter Voucher Program in the amount of \$65,000 and the Foster Program in the amount of \$3,888.55. The total donation received was in the amount of \$68,888.55 which supports one position in the Foster Program.

Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-039-D-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

#### **43. AGREEMENT WITH PAWS AND CLAWS PET FOSTERING FOR NEW HOPE PROGRAM**

Approve an Agreement between Paws and Claws Pet Fostering, a 501 (C) 3 corporation, 2110 W. Tonto Lane, Phoenix, AZ 85027, and Maricopa County to allow Paws and Claws Pet Fostering under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 16 new hope rescues over the term of the agreement, for a total of \$640. The term of this Agreement is from October 7, 2009 through June 30, 2010. (C-79-10-037-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

#### **44. AGREEMENT WITH BEAGLES OF ARIZONA RESCUE CLUB FOR NEW HOPE PROGRAM**

Approve an Agreement between Cynthia Patane, d.b.a. Beagles of Arizona Rescue Club, P. O. Box 50811, Phoenix, AZ 85076, and Maricopa County to allow Beagles of Arizona Rescue Club under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 75 new hope rescues over the term of the agreement, for a total of \$3,000. The term of this Agreement is from November 15, 2009 through June 30, 2012. (C-79-10-038-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**45. KENNEL PERMIT FOR MOKC'S KENNELS**

Approve kennel permit #031 pursuant to A.R.S. §11-1009 for Rocelle Shreeve, d.b.a. Mokc's Kennels, 11225 N. 49th Drive, Glendale, AZ 85304 in District 4 for the term of October 7, 2009 through October 6, 2010. The cost of a kennel permit is \$328. (C-79-10-034-L-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**46. KENNEL PERMIT FOR KOESTER KENNELS**

Approve kennel permit #030 pursuant to A.R.S. §11-1009 for Tiffany Koester, d.b.a. Koester Kennels, 2041 W. Georgia Avenue, Phoenix AZ 85015 in District 3 for the term of October 7, 2009 through October 6, 2010. The cost of a kennel permit is \$328. (C-79-10-035-L-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**47. KENNEL PERMIT FOR EYE DOG FOUNDATION**

Approve kennel permit #020 pursuant to A.R.S. §11-1009 for Gwen Brown, d.b.a. Eye Dog Foundation, 8252 S. 15th Avenue, Phoenix, AZ 85041 in District 5 for the term of October 7, 2009 through October 6, 2010. The cost of a kennel permit is \$328. (C-79-10-036-L-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Human Services**

**48. MEMORANDUM OF UNDERSTANDING WITH IMPACTED FOR PURPOSE MINISTRIES FOR DEVELOPMENT OF AN ACCESS POINT**

Approve the Memorandum of Understanding (MOU) between Impacted for Purpose Ministries and Maricopa County administered by its Human Services Department to establish Impacted for Purpose Ministries as an Access Point.

An Access Point is defined as a network of faith-based and community based organizations that provide community residents with a location where job seekers can access abbreviated One Stop Career Center services. Impacted for Purpose Ministries, a faith-based organization will ensure a location and staff are available where youth and adult job seekers can access employment-related services to assist them in obtaining employment. This MOU will create a partnership enabling Maricopa County residents that are unable to travel to a One Stop Career Center, the ability to access services through an Access Point that is located in the community.

This MOU is non-financial and is effective upon signature by both parties and will expire September 30, 2011.

In 2002, the U.S. Department of Labor (USDOL) invested in pilot programs to increase universal access to the One-Stop Career Center System, by building partnerships between faith-based and community organizations (FBCOs) and Workforce Investment Areas (WIA).

The Access Point model emerged from these pilot programs. Access Points consist of faith-based or community organizations where job seekers can go in their own neighborhoods or communities to look for jobs. Maricopa County Human Services Department Workforce Development Division (MWC) has established the SHARE Network Access Point program. MWC will work with FBCOs to establish Access Points throughout Maricopa County. (C-22-10-025-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**49. IGA WITH THE CITY OF PEORIA FOR DEVELOPMENT OF AN ACCESS POINT**

Approve the Intergovernmental Agreement (IGA) between City of Peoria and Maricopa County administered by its Human Services Department to establish City of Peoria as an Access Point.

An Access Point is defined as a network of faith-based and community based organizations that provide community residents with a location where job seekers can access abbreviated One Stop Career Center services. The City of Peoria, will ensure a location and staff are available where youth and adult job seekers can access employment-related services to assist them in obtaining employment. This IGA will create a partnership enabling Maricopa County residents that are unable to travel to a One Stop Career Center, the ability to access services through an Access Point that is located in the community.

This IGA is a non-financial Agreement and is effective upon signature by both parties and will expire June 30, 2011.

In 2002, the U.S. Department of Labor (USDOL) invested in pilot programs to increase universal access to the One-Stop Career Center System, by building partnerships between faith-based and community organizations (FBCOs) and Workforce Investment Areas (WIA). The Access Point model emerged from these pilot programs. Access Points consist of faith-based or community organizations where job seekers can go in their own neighborhoods or communities to look for jobs. Maricopa County Human Services Department Workforce Development Division (MWC) has established the SHARE Network Access Point program. MWC will work with FBCOs to establish Access Points throughout Maricopa County. (C-22-10-026-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**50. AMENDMENT TO LEASE WITH FIRST EVANGELICAL LUTHERAN CHURCH**

Authorize and execute amendment No. 4 to Lease No. L-7325 with First Evangelical Lutheran Church of Mesa, Arizona, an Arizona Corporation, as Lessor. Lessee and Lessor now mutually desire to amend the lease to extend the lease term for two years commencing October 3, 2009 to October 2, 2011. Lessee shall reimburse Lessor \$450.00 of the annual inspection fee and pay the annual utility fees of \$11,244.00 in equal monthly payments of \$937.00. This amendment contains all of the changes made to the original lease agreement, all other terms and conditions remain the same and in full force and effect. There are no Maricopa County General Funds used in this lease.

The lease is for premises at 142 North Date Street, Mesa, Arizona, consisting of 1,100 square feet for a Head Start classroom serving 34 children (two sessions with 17 children each) and use of the playground. This agreement contains a 90-day termination clause. (C-22-03-103-4-05)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**51. CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES FOR EXPANDED HEAD START SERVICES WITH AMERICAN RECOVERY AND REINVESTMENT ACT GRANT FUNDS**

Approve a Contract between Catholic Charities Community Services and Maricopa County through its Human Services Department, in the not-to-exceed amount of \$255,700. This Contract is funded by an American Recovery and Reinvestment Act (ARRA) grant from U.S. Department of Health and Human Services/Administration for Children and Families/Office of Head Start (C-22-10-018-G-00.) The purpose of this Contract is to provide comprehensive child development and family support services to an additional 36 low-income children 3-5 years of age and their families in western Maricopa County. This Contract is effective from September 1, 2009 through September 30, 2010. This contract does not include any County general funds.

Reimbursable funding is limited to the amount allocated by DHHS on an annual basis and through a Federal Financial Assistance Award. The contract requires Catholic Charities to provide a 25 percent match (non-federal share). The ARRA of 2009 Head Start Expansion grant (C-22-10-018-G-00) is a two-year grant that ends September 30, 2011. There is no long-term commitment on the part of the County to operate this program. This contract does not include any County general funds. (C-22-10-028-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**52. APPROPRIATION ADJUSTMENT TO THE HUMAN SERVICES DEPARTMENT**

Approve increases in the appropriated revenue and expenditure budget for the Human Services Department (220), Human Services Grant Fund (222), Operating Budget (0000) in the amount of \$18,980,779 as identified on the Fiscal Year 2010 Grant Summary Worksheet on file in the Office of the Clerk of the Board. The appropriation adjustment is necessary because the carry forward amounts of prior year grants and award amounts of new grants differ from the amount approved in the FY 2009-10 Budget Appropriation. This action is in accord with the action plan developed by the Office of Management and Budget and Human Services to ensure compliance with the Board approved Budgeting for Results Accountability Policy. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. As of the preparation of this action item, the indirect cost rate is 15.2%, as calculated by the Department of Finance. Most of the grants for FY 2009-10 allow for indirect cost recovery, as reflected in the funding agreements. The status of the indirect costs for each grant is noted on the Grant Summary Worksheet on file in the Office of the Clerk of the Board. This appropriation adjustment does not affect the County General Fund. (C-22-10-027-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**53. ADMINISTRATIVE CORRECTION REGARDING THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT ANNUAL ACTION PLAN**

Approve an administrative correction to the action taken on December 1, 2008 (C-17-09-047-G-00) regarding the approval of the Annual Action Plan submission to the U.S. Department of Housing and Urban Development (HUD) for the Neighborhood Stabilization Program grant funding. The supporting documents to that action stated that the cities/towns of El Mirage, Goodyear, and Buckeye would be the primary service area for the acquisition/rehabilitation/resale program. The purpose of this corrective action is to specify that the cities/towns of Tolleson and Youngtown are to be included among the cities/towns with areas of greatest need for the acquisition/rehabilitation/resale program.

Funds for this activity is provided through the Neighborhood Stabilization Program grant received from the U.S. Department of Housing and Urban Development (HUD). This action does not affect the original funding amount of \$9,974,267 for the NSP program. This amendment does not impact the general fund. (C-17-09-047-G-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**54. IGA WITH STATE OF ARIZONA DEPARTMENT OF COMMERCE ENERGY OFFICE FOR WEATHERIZATION LOW-INCOME ASSISTANCE**

Approve an Intergovernmental Agreement (IGA) between State of Arizona Department of Commerce Energy Office and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$763,496.00. The purpose of this IGA is to provide Weatherization services work program funded through the U.S. Department of Energy Low-Income Weatherization Assistance Program, hereinafter referred to as DOE. This IGA is effective from July 1, 2009 until June 30, 2010. Funding is passed through to Department of Commerce from the Arizona Department of Economic Security and will not impact Maricopa County general fund budget.

Funding for this IGA is provided by a grant from the State of Arizona Department of Commerce Energy Office (C051-09-03). The Human Services Department current negotiated DHHS indirect rate for FY 2009-10 is 16.2% while the actual indirect rate is 18%. The total grant funds is \$763,496 of which \$725,321 are directed toward sub recipient pass-through and are not subject to indirect charges. Therefore, the estimated recoverable indirect is \$5,322. (C-22-10-029-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**55. SOCIAL SECURITY ADMINISTRATION GRANT APPLICATION FOR EMPLOYMENT NETWORKS FOR THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM**

Approve the Human Services Department – Maricopa Workforce Connections (MWC) response to the Social Security Administration (SSA) Request for Proposal (RFP) (SSA-RFP-09-0010H) "Employment Networks (EN) for the Ticket to Work and Self-Sufficiency Program." The contract period is 60 months or five years, with one 60-month renewal option for a total of ten years. Authorize the Chairman to sign the Social Security Administration Request for Proposal (SSA-RFP-09-0010H) "Employment Networks (EN) for the Ticket to Work and Self-Sufficiency Program" application.

The goal of this RFP is to increase the number of ENs in Arizona, thereby increasing access to employment based services for Social Security beneficiaries with disabilities in Arizona

and increase the number of One-Stop Career Centers directly serving individuals with disabilities, thereby integrating such individuals into a general service system and programs. An EN is defined as an organization authorized to provide or coordinate the delivery of services to Social Security disability beneficiaries who participate in the Social Security Administration's Ticket to Work Program.

The Ticket to Work Program is an employment program for people with disabilities who are interested in going to work. The program is designed to remove barriers and increase opportunities and choices for Social Security disability beneficiaries to obtain employment, vocational rehabilitation (VR), and other support services from public and private providers, employers, and other organizations. (C-22-10-012-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**56. AMENDMENT TO CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INCORPORATED FOR CASE MANAGEMENT SERVICES**

Approve Amendment No. 2 to a Contract between Area Agency on Aging, Region One, Incorporated and Maricopa County administered through its Human Services Department to increase the Contract amount by \$368,293 making the total Contract amount for FY 2010 \$736,586. This amendment will also extend the term of the original contract effective October 1, 2009 to December 31, 2009.

The Human Services Department current negotiated DHHS indirect rate for FY 2009-10 is 16.2% while the actual indirect rate is 18%. The grant will incur equipment cost totaling \$2,308 which are not subject to indirect cost recovery. The recoverable indirect cost of administering the grant is \$51,024, and the unrecoverable indirect cost is \$5,669.00.

The contract is fully funded by Area Agency on Aging and will not affect the County's general fund.

The Senior Adult Independent Living (SAIL) Program provides case management services to over 4,000 individuals throughout Maricopa County. This program provides assistance to elderly and physically disabled adult individuals living at home in order to provide early intervention in identifying and coordinating service needs. Area Agency on Aging only provided Maricopa County Human Services with funds for three additional months until the State of Arizona's budget is finalized. (C-22-09-024-3-02)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Parks and Recreation**

**57. CONTRACT WITH FLUID SOLUTIONS, INC. FOR WINDMILL PROJECT**

Approve and execute the Design Build (DB) contract with Fluid Solutions, Inc. for design and construction services and to serve as general contractor for the White Tank Mountain Regional Park Windmill Project in the amount of \$52,200. Funding is available in Parks (300) Grant fund (230) and Parks Donation fund (243). (C-30-10-002-5-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson



**58. MOU AND ACCEPTANCE OF FUNDING FOR THE VULTURE MOUNTAIN COOPERATIVE RECREATION MANAGEMENT AREA**

Approve an Memorandum of Understanding between United States Department of the Interior Bureau of Land Management (AZ-2009-07) and Maricopa County through the Parks and Recreation Department in the not-to-exceed amount of \$99,000. This Memorandum of Understanding is funded by a grant from United States Department of the Interior Bureau of Land Management, (CFDA 15.238 Challenge Cost Share).

Approve an appropriation adjustment increasing the FY 2009-2010 Parks and Recreation Department (300), Grants Fund (230), Non-recurring/non-project (0001) revenue and expenditure authority budgets in the amount of \$25,000. The department's indirect cost rate for FY 2009 is 42.5% and calculated to be \$10,625 for FY 2010. Parks and Recreation Department also requests a waiver to the grant policy for recovery of indirect costs so that all funding received may directly benefit the project. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. Also authorize the parks and Recreation Department to sign necessary reporting and reimbursement paperwork to administer the grant.

This Memorandum of Understanding is funded by a grant from United States Department of the Interior Bureau of Land Management, (CFDA 15.238 Challenge Cost Share). The purpose of this Memorandum of Understanding is to create a more formal working relationship, share resources, and provide recreation and resource management and protection for the public lands located within an area known as the Vulture Mountain Cooperative Recreation Management Area. This Memorandum of Understanding is effective from October 7, 2009 until October 7, 2014. (C-30-10-007-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**CHIEF FINANCIAL OFFICER**

**Finance**

**59. FUNDS TRANSFERS; WARRANTS**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**60. USE OF REAL PROPERTY FOR COURT TOWER PROJECT**

Authorize the execution and delivery of a license agreement between Maricopa County and the Gilbane Building Company for its use of a portion of real property held in the name of the Maricopa County Public Finance Corporation and leased to Maricopa County at the southeast corner of 7th Avenue and Jefferson Street and the northwest corner of 5th Avenue and Jackson Street in Phoenix, Arizona (APN 112-19-127) for staging materials and

parking associated with the construction of the new Court Tower Project. This agenda item is subject to the review and approval of the final form of the license agreement by assigned outside counsel. (C-18-10-030-8-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **CHIEF PROCUREMENT OFFICER**

### **Materials Management**

#### **61. SOLICITATION SERIALS**

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

The Clerk announced a language correction in several of the solicitation serials, noting that where any of them use the words "subject to the civil divisions review" should all be changed to "subject to the legal counsel's review"

##### **a. 06096-S, LOOP DETECTOR INSTALLATION SERVICES**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: October 07, 2009 (Effective November 01, 2009)

Serial: 06096-S

Item: Loop Detector Installation Services (\$350,000.00 estimate/three years until October 31, 2012) Price agreement renewal for the purchase of loop detector parts and installation services in maintenance of traffic control.

CPC Construction Inc. (C-73-10-022-7-00)

Motion to approve as modified by the Clerk, by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

##### **b. 09001-ROQ, LEGISLATIVE SERVICE PROVIDERS**

Approve the following solicitation serial items. The action on the following items is ~~subject to Civil Division's review~~ **subject to the legal counsel's review** and approval of the respective contracts and subsequent execution of contracts.

Serial: 09001-ROQ

Item: Legislative Service Providers (\$360,000.00 estimate/three years until October 31, 2012, with three one year renewal option) TO PROVIDE LEGISLATIVE SERVICES AT THE STATE LEVEL AS REQUIRED AND DIRECTED.

Highground Inc. (C-73-10-023-7-00)

Motion to approve as modified by the Clerk, by: Supervisor Stapley, Seconded by:  
Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**c. 06030-S, CONSTRUCTION EQUIPMENT RENTAL WITH OPERATOR**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: October 07, 2009 (Effective October 01, 2009)

Serial: 06030-S

Item: Construction Equipment Rental With Operator (\$475,000.00 estimate/three years until September 30, 2012) Price agreement to provide rental of construction equipment w/operator for use by McDOT and Flood Control.

Qualex Construction, Inc.  
Quality Construction Corp. (C-73-10-024-7-00)

Motion to approve as modified by the Clerk, by: Supervisor Stapley, Seconded by:  
Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**d. 09066-RFP, AERIAL IMAGING SERVICES**

Approve the following solicitation serial items. The action on the following items is ~~subject to Civil Division's review~~ **subject to the legal counsel's review** and approval of the respective contracts and subsequent execution of contracts.

Serial: 09066-RFP

Item: Aerial Imaging Services (\$2,500,000.00 estimate/three years until October 31, 2012, with three one year renewal option) Recommendation for award which provides Aerial Imaging Services for a period of three years, as requested by Public Works. These products provided by the contractor will include digital aerial photography on an annual basis for the Phoenix metropolitan area and Maricopa County.

Sanborn Map Company Inc. (C-73-10-025-7-00)

Motion to approve as modified by the Clerk, by: Supervisor Stapley, Seconded by:  
Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**e. 09063-C, POLICE AND FIRST AID/SAFETY EQUIPMENT AND SUPPLIES**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09063-C

Item: Police And First Aid/Safety Equipment And Supplies (\$1,102,900.00 estimate/three years until October 31, 2012, with three one year renewal option) This is a three year award for police/law enforcement and first aid/safety supplies. Maricopa County is also establishing a full line catalog discount for related supplies as covered by current catalogs.

2 B Safety Supply  
American Health And Safety  
Arizona Glove & Safety  
Cardinal Health  
Chaos Supplies Inc  
Construction Tool & Supply  
CPR Savers & First Aid Supply LLC  
Crescent Electric Supply Company  
Desert Barricades LLC  
Diamondback Police Supply Co.  
Discount Handcuff Warehouse  
Fisher Scientific  
Galls  
Grainger  
Hagemeyer North America  
Intoximeters Inc  
LN Curtis & Sons  
Paintball Superstore Inc  
Proforce Law Enforcement  
Swabs-AZ Inc.  
Tri-Tech Forensics Inc.  
WestAir Gases & Equipment (C-73-10-026-7-00)

Motion to approve as modified by the Clerk, by: Supervisor Stapley, Seconded by:  
Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **62. TRANSFER EXPENDITURE APPROPRIATION FOR CONTRACT MONITOR**

Pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$54,000 from the FY 2009-10 Non-Departmental (470) General Fund (100) Non-Recurring/non-project (0001) "General Contingency" line to the FY 2009-10 Materials Management (730) General Fund (100) Non-Recurring/non-project (0001) budget. This action requires decreasing the appropriated FY 2009-10 Non-Departmental (470) General Fund (100) Non-Recurring/non-project (0001) "General Contingency" line in the amount of \$54,000 and increasing Materials Management (730) General Fund (100) Non-Recurring/non-project (0001) appropriation in the amount of \$54,000. This will allocate one-time contingency to fund an additional Contract Monitor in Materials Management.

Also, direct OMB to continue to budget this position in non-recurring/non-project as long as the recovery efforts can continue to support its annual cost.

Since 2004, over \$880,000 has been recovered by the current Contract Monitor position in Materials Management, and has been deposited into the General Fund and is included as part of the FY 2009-10 carryover (Non-Departmental General Contingency). This funding will be used to fund this additional Grant/Contract Administrator position.

The purpose of this position is to perform contract monitoring and compliance reviews on County construction and non-construction related contracts, in order to protect the County

from fraud, waste and abuse, identify recoverable dollars, and prevent contract leakage.

OMB will continue to budget this position in Materials Management non-recurring/non-project as long as the recovery efforts continue to support its annual cost. (C-73-10-021-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Air Quality Department**

#### **63. AMENDMENT TO CONTRACT WITH ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR TRAVEL REDUCTION PROGRAM**

Approve Amendment No. 5 to a Contract between Arizona Department of Environmental Quality (ADEQ) (EV06-0006) and Maricopa County through the Air Quality Department in the not-to-exceed amount of \$474,288. The purpose of this amendment is to continue implementation of the travel reduction program. This amendment is effective from July 1, 2009 to June 30, 2010. All other terms and conditions of the Contract remain in full force and effect.

The contract amendment extends the date of the contract for a full year, July 1, 2009 through June 30, 2010. Due to state budget restraints only half of the original funding amount (\$948,575) is being allotted for a six month period. As funding becomes available an amendment will be issued by ADEQ for the remaining amount. A separate Board of Supervisor agenda will address the amendment and increase in funding to the full amount.

An amount of up to \$200,000 will be passed through to an external service provider in a separate agenda. The Department's FY2009-10 authorized indirect cost rate is 17.8%. All indirect costs are allowable and fully recoverable. Indirect costs will be applied to the County retained amount of \$274,288. The total direct costs are \$232,842; recoverable indirect costs are \$41,446.

This item has been budgeted and approved by the Board of Supervisors with the adoption of the FY2009-10 Air Quality budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore expenditures of these revenues are not prohibited by the budget law. This budget item does not alter the budget constraining the expenditures of local revenue duly adopted by the Board pursuant to A.R.S. 42-17105. (C-85-06-028-3-04)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

#### **64. DONATION OF LAPTOP FROM INTEL FOR ESSAY CONTEST WINNER**

Accept the donation of a laptop computer from Intel Corporation to be awarded to the essay contest winner at our annual Air Quality Conference on October 20, 2009.

Intel Corporation is donating a Latitude E6400 Core 2 Duo T9550 2.0 GB laptop with a Vista business Service pack operating system valued at \$2,000. (C-85-10-008-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**65. AGREEMENT AND GRANT FROM THE US DEPARTMENT OF ENERGY FOR THE VEHICLE REPAIR AND RETROFIT PROGRAM**

Approve the agreement and acceptance of grant funds from US Department of Energy, Grant No. DE-EE0000848, in the not-to-exceed amount of \$725,000. These grant funds are for the vehicle repair and retrofit program. The grant award begins on August 31, 2009 and ends on August 30, 2012. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The grant allows a 10% rate for indirect costs, or \$13,636 which may be incurred by the Air Quality Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Air Quality Department's composite indirect cost rate at 17.8%, or \$24,273. The recoverable indirect cost of administering this grant is \$13,636; the non-recoverable indirect cost is \$10,637.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The \$725,000 for the vehicle repair and retrofit program is one project out of three that will be funded by the US Department of Energy. The total grant amount is \$3,567,800.

A budget adjustment is not required as this item is included in the Board of Supervisor approved FY2009-10 Air Quality Budget.

The Air Quality Vehicle Repair and Retrofit program has previously been funded by the Arizona Department of Environmental Quality. Due to Arizona state budget cuts the Vehicle Repair and Retrofit program was cut from funding. The US Department of Energy will supplant the program funding and provide one-time FY2009-10 funding for the Vehicle Repair and Retrofit program.

The Maricopa County Air Quality Department will pass-through \$575,000 of the total amount to a sub-contractor with Board of Supervisor approval under a separate agenda. (C-85-10-012-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

**Public Works**

**66. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-10-113-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**67. COURT TOWER - GMP #5 TO GILBANE BUILDING COMPANY**

Approve and authorize the execution of Construction Manager at Risk (CMR) GMP #5, Contract No. FMD-10-010 with Gilbane Building Company of Phoenix, Arizona, subject to legal review and approval of the final form of the contract, in an amount not-to-exceed \$104,000,000 to provide general construction services and to permit the procurement of long lead items to support the Downtown Court Tower, Phoenix, Arizona, (FMD project #3325-07-380). This project is located in District 5.

GMP #5 - not-to-exceed \$104,000,000. The execution of the contract for GMP#5 will allow Gilbane Construction Company to accomplish the following general construction and early procurement:

Glazing  
Copper Skin  
HVAC & Plumbing, including controls  
Electrical Systems, including A/V and Security  
Miscellaneous Metals  
Masonry  
Exterior & Core / Shell Framing  
Spray Fireproofing  
Roofing  
Detention Equipment  
General Cleanup  
Exterior Skin Consultant  
Construction Phase Estimating

This GMP package has been endorsed by the Facilities Review Committee. Staff concurs with this recommendation. (C-70-10-005-5-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**68. JOINT RESOLUTION TO FLOOD CONTROL DISTRICT 2009R013 FOR SALE OF PERSONAL PROPERTY**

Adopt Joint Resolution to FCD 2009R013, authorizing Maricopa County Department of Transportation to sell personal property that has been acquired for public works projects and to have all documents related to such sales to be signed by the Maricopa County Department of Transportation Director and/or his designee. All such sales will be done by public auction pursuant to Arizona Revised Statute Sections 48-3603 and 9-402.

Maricopa County Department of Transportation acquires real property for public works projects and clears the property of all improvements and structures. Through that process, the real estate staff disposes of many items of personal property such as trailers, water heaters, furniture and many other items by public auction. This agenda item is located in Supervisor Districts 1, 2, 3, 4, and 5. (C-91-10-036-6-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**69. TRANSFER OF EXPENDITURE AUTHORITY FOR PROJECT CONTINGENCY**

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$202,500 from the FY 2009-10 Non-Departmental (470) Detention Fund (255) Non-Recurring/Non-Project (0001) Unreserved Contingency (4711) to a new project in Non-

Departmental (470) Detention Fund (255) Major Maintenance (4732) entitled "Generator Support SO Data Center" (SODC).

Also, pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$22,500 from the FY 2009-10 Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Unreserved Contingency (4711) to a new project in Non-Departmental (470) General Fund (100) Major Maintenance (4732) entitled "Generator Support SO Data Center" (SODC).

These actions approve one-time contingency funds to support the Jail Management System (JMS) at the Sheriff's Office Data Center.

Also, Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$225,000 from the FY 2009-10 Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Unreserved Contingency (4711) to the project in Non-Departmental (470) General Fund (100) Major Maintenance (4732) County Administration Building (ABII) entitled "Administration Building Chiller Repairs." This action approves one-time contingency funds to cover the repair costs of the administration chiller that is broken.

Also, Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$15,000 from the FY 2009-10 Non-Departmental (470) General Fund (100) Non-Recurring/Non-Project (0001) Unreserved Contingency (4711) to a new project in Non-Departmental (470) General Fund (100) Major Maintenance (4732) Old Courthouse (OCWR) entitled "Old Courthouse third floor window replacement." This action approves one-time contingency funds to cover the replacement of two windows on the third floor south side. (C-91-10-042-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**70. TRAFFIC CONTROL CHANGES AT MCDOWELL MOUNTAIN AND FOREST ROAD**

Approve a change in traffic controls (Three Way Stop) on unincorporated right-of-way at the following location:

A Three Way Stop (from a Two-Way east / north Stop) at McDowell Mountain Road and Forest Road. Supervisory District No. 2 (C-91-10-039-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**71. TRAFFIC CONTROL CHANGES AT BUCKEYE ROAD AND 355TH AVENUE**

Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location:

A Four Way Stop (from a Two-Way east/west Stop) at Buckeye Road and 355th Avenue. Supervisory District No. 4 (C-91-10-040-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**72. TRAFFIC CONTROL CHANGES AT BETHANY HOME ROAD AND CITRUS ROAD**

Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location:



A Four Way Stop (from a Two-Way east/west Stop) at Bethany Home Road and Citrus Road. (This partially rescinds the Through Street Resolution on Citrus Road dated December 12, 1983). Supervisory District No. 4 (C-91-10-038-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**73. TRAFFIC CONTROL CHANGES AT BROADWAY ROAD AND AIRPORT ROAD**

Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location:

A Four Way Stop (from a Two-Way north/south Stop) at Broadway Road and Airport Road. (This partially rescinds the Through Street Resolution on Broadway Road dated May 21, 1957). Supervisory District No. 4 (C-91-10-037-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**74. GRANT THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT FROM US DEPARTMENT OF ENERGY FOR SOLAR THERMAL WATER HEATING SYSTEMS AND AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

Accept \$2,302,800 of the \$3,567,800 total EECBG AARA Grant # DE-EE0000848/000 grant funding through the American Recovery and Reinvestment Act (AARA) of 2009 from the US Department of Energy to Maricopa County through its Public Works Department to fund installation of solar thermal water heating systems at the Fourth Avenue and Lower Buckeye Jails. The grant beginning and end dates are August 31, 2009 to August 30, 2012.

In accordance with A.R.S. Section 42-17106(B), authorize the following amendments to the FY 2009-10 Five-Year Capital Improvement Plan:

1. Create a new project in the Detention Fund County Improvement Fund (455) titled "Lower Buckeye Jail Solar Thermal Water Heating Systems", Function Class LSTW, in the amount of \$1,237,900 in Year 1 and authorize the Facilities Management Department to proceed with the project.

Also, increase the FY 2009-10 Non-Departmental (470) Detention Fund County Improvement Fund (455) "LBJ Solar Thermal Water Heating Systems" (LSTW) revenue and expenditure appropriation and project in year 1 by \$1,237,900.

2. Create a new project in the Detention Fund County Improvement Fund (455) titled "4th Avenue Jail Solar Thermal Water Heating Systems", Function Class FSTW, in the amount of \$1,064,900 in Year 1 and authorize the Facilities Management Department to proceed with the project.

Also, increase the FY 2009-10 Non-Departmental (470) Detention Fund County Improvement Fund (455) "4th Avenue Jail Solar Thermal Water Heating Systems" (FSTW) revenue and expenditure appropriation and project in year 1 by \$1,064,900.

This action approves the acceptance of funding that is awarded to Maricopa County in the amount of \$3,567,800 approved for Air Quality, Facilities Management and the Library District.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Indirect costs are not applicable as the award is for capital purchases. (C-91-10-046-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

Supervisor Brock expressed appreciation for all those citizens who serve the residents of Maricopa County by becoming members of the various boards and committees in County government. He said they are integral to smooth running programs

### **75. CANCELLATION OF ELECTION AND APPOINTMENTS TO THE FOUNTAIN HILLS SANITARY DISTRICT**

Pursuant to A.R.S. §§ 48-2010(A), accept the nomination petitions filed for two positions to the Fountain Hills Sanitary District Board of Directors, cancel the election scheduled to be held on November 3, 2009 and appoint the following people who filed nominating petitions to fill the positions:

Thomas Reski  
Glenn Panaro

The appointed Directors shall serve four year terms effective January 1, 2010 through December 31, 2013 and until their respective successors are elected and qualified. (C-06-10-098-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

### **76. RESIGNATION AND APPOINTMENTS TO THE BOARD OF HEALTH**

1) Accept the resignation of Susanne Cook, representing Supervisorial District 2, to the Board of Health effective immediately.

2) Approve the appointment of Shannon Smith, who is currently a member at-large, as the District 4 representative to the Board of Health. The term will remain the same and be effective through December 31, 2012.

3) Approve the appointment of Amanda Jamsek to the Board of Health as a member at-large. The term of the appointment will be effective as of the date of Board approval through December 31, 2012. (C-06-10-104-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**77. APPOINTMENT TO THE CITIZEN'S AUDIT ADVISORY COMMITTEE**

Accept the resignation of Jill Rissi and approve the appointment of Janet Secor to the Citizen's Audit Advisory Committee as nominated by Supervisorial District 2. Ms. Secor will fill the unexpired term effective as of the date of Board approval through April 4, 2010. (C-06-10-108-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**78. APPOINTMENTS TO THE AGGREGATE MINING OPERATIONS ZONING DISTRICT #1 RECOMMENDATION COMMITTEE**

1) Approve the appointment of the following members to the Aggregate Mining Operations Zoning District #1 Recommendation Committee:

Mike Ward, replacing Janet Krolczyk as an Alternate Member  
Jim Schroeder, replacing Pat Kuehner as an Alternate Member  
Frank Mendola, replacing Agustin Figueroa as an Alternate Member  
Jamey Brown, replacing Frank Mendola as an Industry Member  
Scott Dickson, replacing Jim Schroeder as an Industry Member

The term of the appointments will be effective October 6, 2009 through October 5, 2012.

2) Approve the appointment of Shaun Cory, replacing Carolyn Loder, as an Alternate Member for Sara Cook. The term will be effective through October 5, 2010 to coincide with Ms. Cook's term.

3) Approve the reappointment of Roger Van Camp as an Industry Member. The term of the appointment will be effective October 6, 2009 through October 5, 2012. (C-06-10-106-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **SETTING OF HEARINGS**

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

**Justice Courts**

Prior to the vote, the Clerk announced that the word "radar" has been changed to "enforcement" in the following agenda item.

**79. ESTABLISH A PHOTO RADAR ENFORCEMENT FEE**

Pursuant to A.R.S. §11-251.08, set a public hearing for November 4, 2009 to solicit comments and consider the adoption of Photo ~~Radars~~ Enforcement Fee of \$20.00 per defendant to begin December 1, 2009. The proposed photo ~~radar~~ enforcement fee will be assessed against each individual charged with a civil traffic violation through utilization of photo radar.

A.R.S. §11-251.08 authorizes County Boards Of Supervisors to adopt fees for any specific service the county provides to the public as long as that fee is attributable to and defrays the expense of the service for which the fee is assessed and the fee does not exceed the actual

cost of that service. The Justice Courts estimate the average cost to process each photo radar enforcement case to be \$21.60. (C-24-10-001-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **Parks and Recreation**

### **80. PROPOSED REVISIONS OF MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT USER FEE SCHEDULE**

Pursuant to A.R.S. §11-251.08, set a public hearing for November 4, 2009 to solicit comments and consider the adoption of Proposed Revisions of Maricopa County Parks and Recreation Department User Fee Schedule. Upon Board approval, this item will become effective December 1, 2009.

The Maricopa County Parks and Recreation Department, with consultation from the Parks and Recreation Commission, has determined the necessity to revise its user fee schedule, in order to bring the user fees more closely in line with typical fees for similar systems and to recover fees for services. This will enable the Department to apply any changes in fees to needed repairs and improvements to parks facilities. A Fee Study Committee was established to research the issue and develop the proposed new fee schedule. The Parks and Recreation Commission held a public meeting regarding the revised fees on September 8, 2009 and no comments were received from the public. The meeting was advertised on the Parks website and in the parks. The Board must set this matter for public hearing pursuant to statutory requirement. (C-30-10-006-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **Planning and Development**

### **81. ZONING CASES**

Schedule Planning and Development public hearings on zoning cases and other matters for the October 21, 2009 meeting. (List will be on file with the Clerk's Office) (C-44-10-028-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

## **CONSENT AGENDA**

### **Clerk of the Board**

### **82. DUPLICATE WARRANTS**

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-10-111-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**83. PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-10-109-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**84. SECURED TAX ROLL CORRECTIONS**

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-10-112-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**85. SETTLEMENT OF PROPERTY TAX CASES**

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated October 7, 2009. List is on file in the Clerk of the Board's Office. (C-06-10-110-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**BOARD OF SUPERVISORS ADDENDUM**

**Board of Supervisors**

**A-1. LIMITED ENGLISH PROFICIENCY POLICY**

Adopt the Limited English Proficiency Policy which will, in part, provide for Spanish language assistance at formal Board of Supervisors meetings to persons with limited English language proficiency; also, direct staff to take the necessary steps to implement this policy. (C-06-10-116-6-00)

Supervisor Stapley said Maricopa County was initiating a new practice with the English Proficiency Policy to accommodate those in the community who speak Spanish only to help their understanding in a public meeting. A Spanish interpreter, Ramon Delgadillo will be present at the Board's formal board meetings and signs have been posted in this regard.

Supervisor Wilcox said this policy goes far beyond what many other governments are doing. She felt it would become a policy that others would study in similar situations.

Supervisor Stapley added that the business of government is conducted in English and this is an accommodation to those who do not speak English to allow them to understand and to express themselves.

Supervisor Kunasek commented on a difference of opinion on how far the Limited English Proficiency Policy should go in covering translations for non-English speaking people. He agreed with having translation services in code enforcement and violations and in revocation of licenses and such types of hearings. He said this policy goes far beyond those actions and he would not support this policy as it is now written. He felt that translations of every agenda item go further than what is reasonable.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Nays: Kunasek

**County Attorney**

**A-2. MCDONNELL DOUGLAS HELICOPTER COMPANY V. MARICOPA COUNTY, TX2005-050369 (CONSOLIDATED)**

Rescind authorization of settlement of McDonnell Douglas Helicopter Company v. Maricopa County, TX2005-050369 (consolidated), included on Agenda Item C-06-09-321-7-00, dated February 25, 2009, as discussed in Executive Session on October 5, 2009. (C-19-10-012-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**Sheriff**

**A-3. TEMPORARY ADDITION TO FLEET OF YAMAHA RHINO OFF-ROAD VEHICLES**

Approve a temporary addition to fleet of three Yamaha Rhino Off-Road Vehicles from the 2009 Rhino Law Loan Program. These vehicles are free of charge for one year and are being provided by the Yamaha Motor Corporation, RideNow Dealership, who is an authorized Maricopa County vendor. The term of this Program is one year from the date of delivery. The Sheriff's Office is responsible for maintaining the vehicles in good condition.

The estimated annual operating costs of these vehicles is \$600 (\$200 each) to be supported through the U.S. Department of Agriculture, Forest Service, Tonto National Forest funding for the FY2010 Financial and Operating Plan (C-50-06-514-2-06). This funding is pending Board of Supervisors approval on October 7, 2009. This is a temporary addition to the fleet and they will be returned to the dealership at the end of one year with no funding from the general fund for their replacement. (C-50-10-038-V-00)

Blue Crowley, citizen, appreciated these donations but felt, after reading a newspaper article on the subject, that higher echelon employees should not be furnished County transportation from taxpayer monies to travel back-and-forth from home when they can afford to purchase their own vehicles.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**A-4. MEMORANDUM OF AGREEMENT WITH FEDERAL GOVERNMENT**

Approve a Memorandum of Agreement (MOA) between the US Department of Homeland Security's Immigration and Customs Enforcement (ICE) and Maricopa County on behalf of the Sheriff's Office pursuant to which selected personnel as authorized to perform immigration enforcement in specific situations with the Maricopa County jail facilities under

federal authority.

This MOA will remain in effect for three years from the date of signing unless terminated earlier by either party.

The purpose of this MOA is to enhance the safety and security of the Maricopa County jail facilities by focusing resources on identifying and processing for removal, criminal alien who pose a threat to or danger to the community. This MOA sets forth the process for designation, training, certification and authorization of certain Sheriff's Office personnel to perform certain immigration enforcement functions. (C-50-10-052-3-00)

Irene Chavez opposes policies and practices of Sheriff Arpaio, his treatment of prisoners and his alleged racial profiling. She asked the Board not to approve the 287g Agreement to give him further support.

Orlando Arrinas asked the Board to end support of this Agreement. He said he was arrested in February 2009 for videotaping in a public area, which is his right.

Lydia Guzman, President of Somos America, also asked the Board not to approve the implementation of Rule 287g with regards to enforcing immigration laws on prisoners. She cited cases of Rule 287g ICE immigration officer abuses to prisoners while they are incarcerated and said trained immigration officers should be used instead..

Dr. Sylvia Herrera said the congressional Hispanic caucus and other groups have requested that Rule 287g be completely terminated. She said some counties have eliminated the program because of the flaws and problems it has created in their communities. She wants the abuses and lawsuits to stop and believed this could happen if the 287g Agreement was eliminated.

Speakers also asking the Board not to approve the 287g Agreement and expressing general disapproval of the intimidation they feel from the Sheriff's Office included Alejandro Chavez; Robert McElwain; Irene Chavez; Alan Becker; Tupac Enrigue; Annette Sexton-Ruiz; Salvador Reza; Carrie Wallinger; Jason Odner; Sandra Castro; Erika Ovalle; Grace Daniels; Revieve Nunez; Kristy Theilen, Blue Crowley and Erica Ovia; .

Those speaking in support of the 287g Agreement and the Sheriff's methods used to curb illegal entrance into the country included Martha Payan; Anna Gaines; Charlene Hanson; Gary Rose; Kathryn Kobor; Kerri Rollingor; and Jerry Sheridan of the Sheriff's Office.

Katherine Kobor, an animal activist, also spoke in appreciation of the County's treatment of animals. She said the Sheriff Arpaio is also an animal rights activist and therefore feels that all people are equal. She would not believe the Sheriff racially profiles unless and until she sees proof.

Jason O'dner believes Rule 287g is flawed because it draws a line between local law enforcement and the community. He felt there is enough evidence that Sheriff Arpaio cannot handle this responsibility and that the Board has seen how far he is willing to go for political gain.

Supervisor Wilcox said the discussion on the 287g Agreement has gone on for months. She said the federal government has said that Rule 287g, as it pertains to street enforcement, will not be tolerated. She added that the agreement the Board has is not signed by John Morton or anyone in the federal government and there is a time-limit for

signatures. There are a large number of people who want Rule 287g eliminated. She referenced the letter by Representative Ed Pastor saying the program "is broken" because of law enforcement's targeting people of color. She reminded the Board that the federal government said they would come back on October 15 with an updated and final agreement. She felt any action should wait until this is finalized, especially since the agreement they have is not signed by anyone.

Supervisor Wilcox entered a motion to table this item to allow the federal government to have its full review, that it was not the time for the Board to agree to this document prior to an indication that the federal government ends their review and signs it. That would be the time for the County to act. The motion was seconded by Supervisor Stapley, after which Supervisor Brock entered a comment that led to discussion.

Supervisor Brock asked for a legal opinion, asking if the Board was permitted to sign agreements that were unsigned by the other parties.

Paul Golab said a vote by the Board would authorize the agreement from the Board's perspective. The contract is not effective until properly executed by the other parties.

Supervisor Stapley mentioned that legal approval of this agreement was signed off by a deputy county attorney who has a conflict of interest with the Board. He asked Mr. Golab if that would change his opinion relative as to whether this was premature.

Mr. Golab said he believed the deputy county attorney who signed off on it did so on behalf of the Sheriff's Office and the document was also reviewed by other legal counsel for the Board's review.

Supervisor Stapley asked if they had signed off on it, because there is no signature on the document by any other than the Sheriff's counsel.

Mr. Golab said the fact that it is on this agenda would indicate it had been reviewed and signed off on but since there is no signature he could not verify anyone had signed off on it. Supervisor Wilcox referenced a conversation with West Baysinger, Chief Procurement Officer, where he indicated traditionally documents aren't signed by the Board until others have signed.

Supervisor Kunasek asked to offer a substitute motion that the Board would authorize the Chairman to sign this agreement after it has been signed by the other two principle parties ICE and the Sheriff's Office. That would assume no substantive changes have been made to the agreement presented today. Supervisor Brock provided the second.

Supervisor Wilcox spoke to the motion saying she would not support it because that would indicate her support of 287g should it move forward. She cannot support having Sheriff's officers acting on behalf of immigration officers without receiving the full training the ICE officers receive. She stated that there is no trust between the Latino community and the Sheriff's Office, who carries out Rule 287g. There have been abuses and this agreement makes the County liable for the resulting lawsuit. She felt the substitute motion indicates the Board's endorsement of Rule 287g. She asked the Board to honor the federal request of the 90 day extension for a review before taking any action.

The Chairman called for the vote on the substitute motion.

Motion to approve the substitute motion, by: Supervisor Kunasek, Seconded by: Supervisor Brock

Ayes: Kunasek, Brock, Wilson



Nays: Stapley, Wilcox

The Clerk clarified the motion and Supervisor Kunasek added further clarification that the Chairman would not sign the MOA until legal counsel that is not conflicted approves the content, which he said he is assuming has already happened (review by non conflicted counsel).

Paul Golab said the MCAO attorney who has signed the Agreement did so for the Sheriff's Office. There also should be a legal review on the Board's behalf.

Discussion ensued on the resolution of the first motion that was replaced by the substitute motion. The maker of the first motion acknowledged that the Board had resolved the matter through its vote on the substitute motion.

Supervisor Stapley asked for clarification that the federal signature must be by John Morton, Director of ICE and cannot be delegated to another.

Supervisor Kunasek said he saw no problem if the Director of ICE designates someone else to sign for him. He concluded that ICE is a primary signatory to the MOA and if Mr. Sheridan had indicated earlier that ICE would accept this with the Sheriff's and Chairman's signature, within the designated time period. This motion indicated that all signatures must be present before the Chairman can sign.

Mr. Sheridan came forward and said he may have misspoken and he indicated that Al Pena is the #2 person at ICE. When he was in Phoenix several weeks ago the discussion led to the October 15 deadline, which is a "set in stone deadline according to the Department of Homeland Security." He said the discussion was that if the Sheriff and Board had signed it by October 15 that would be considered as "getting in under the deadline."

Supervisor Stapley asked if it was understood that unless the Chairman has a document to sign that has signatures from the Sheriff and an authorized signature from ICE that the County would not consider it to be in effect. Mr. Sheridan said he did understand it that way.

Chairman Wilson left the dais to talk to Gary Rose since his slip had been missed and he had not been called to the lectern prior to the vote.

Chairman Wilson resumed the meeting after a 10 minute break.

### **MEETING RECESSED**

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors for various special districts.

### **MEETING RECONVENED**

Chairman Wilson reconvened the Board of Supervisors

## **CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

86. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law,

Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Blue Crowley, citizen, spoke on the Citizen's Transportation Oversight Committee's (CTOC) alleged irresponsibility in adequately publicizing cancellation of meetings by publishing them online. He does not have a computer and there is no library near his abode to use one of their computers. If he hadn't called to check the time slot of the meeting he would have come all the way in from Wittman needlessly. He said, "This is not the way a citizen's committee should be functioning" and he will file an open meeting complaint against them. The meeting was cancelled for lack of a quorum of the seven-member board, which Mr. Crowley said only meets every four to six months. Acknowledging the Board of Supervisors have members on that board, he said he felt there was plenty of time for the seven member CTOC board to schedule it and if members had such little interest others should be appointed to replace them.

Mr. Crowley also referenced some comments made by earlier speakers he felt indicated that Supervisor Wilcox should go back to Mexico. He stated that Ms. Wilcox's family is sixth-generation while those speakers had said they had just moved here. Mr. Crowley stated, "This is some of the hate that I don't need to hear." He stated that Hispanics from Spain and Mexico have been in this region since before Jamestown was settled. He also pointed out that Arizona Territory and other portions of the southwest were once a part of Mexico and this affirms that Hispanics are a part of our culture.

#### **87. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

There were no comments from any Supervisor or from Mr. Smith.

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

#### **CODE ENFORCEMENT REVIEW**

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Outside Counsel, came forward to present the following Planning and Zoning cases.

#### **PZ-1. V200900213 - JENKINS**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200900213, Jenkins (Supervisor District 3) (C-44-10-021-M-00)

Darren Gerard reported on the background of this case that was opened February 18, 2009 for construction without permits. A hearing was held July 23, 2009, and the respondent, Michelle Jenkins, was found to be responsible by the Hearing Officer who imposed a fine of \$300 and \$30 days per diem until compliance. If compliance was

achieved by September 30, 2009, the case would be closed and per diem fines dropped. No applications for permits have been received and respondent continued work into September. The site is not in compliance. Neither Ms. Jenkins nor her representative was present to testify. The total amount of the per diem fine is currently \$2,550 and continues to accrue by approximately \$900 monthly until compliance is verified.

Motion to uphold Hearing Officer's Order of Judgment by Supervisor Kunasek,  
Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**PZ-2. V200901096 - GRIMES**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200901096, Grimes (Supervisor District 1) (C-44-10-023-M-00)

Darren Gerard reported this case involves storage of non-permitted vehicles on property located in Chandler Heights. In 1997 the previous property owner requested and received a zoning change from C3-R135. A subsequent request to rezone back to C3 was withdrawn in 2000. A house was built on adjoining parcel in 2001. Jim Grimes bought the property in 2003. In November 2008 an earlier complaint was received on an illegally operated business at the site. the case closed that same month when Mr. Grimes moved non-accessory vehicles from the property. On June 24, 2009, this case was opened due to citizen complaint and a case was opened for non-accessory vehicles on the corner lot without an established primary use of the property. A hearing was held August 27, 2009, and the respondent found responsible and fined \$100 plus \$100 per diem to accrue until compliance is achieved and verified. The per diem fine to be suspended if in compliance by September 27, 2009. The property did reach compliance by that date and the case is closed. Mr. Gerard asked the Board to uphold the findings and the fine, which totals \$100.

Mr. Grimes was present and entered testimony. He said he bought the property after retiring from the fire department so his family could enjoy a rural lifestyle. He indicated that Mr. Gerard had reported the case accurately and he appreciated that. When he bought the 2 acre parcel he understood he could run his truck and tractor. He applied for the return to the original zoning but it was costly and his understanding from the County was that it was okay to continue what he was doing on the property at the time, which was to move his dump truck and trailer on and off for his business.

He was told he could keep nothing on his property and he moved the dump truck, trailer, his daughter's unlicensed car and the tractor he used for weed control on the property. Later, being no longer able to afford to run his business he moved things back on with for sale signs on them. He hoped to keep his tractor since he did use it on the property and so it was not a non-accessory vehicle. He tried to get a temporary use permit and the person at P&Z would not accept his \$1,000 saying there was no way his use would be accepted and it would be a waste of money. He said when his tags expired he simply parked the equipment on his property but there was no movement of it as he no longer had a business. That is when he got his second violation notice.

The P&Z rule reads that no non-accessory vehicle may be parked on the property, but his tractor was used on the property and was accessory to it. He wanted to get that verified. He asked, "How is a Cub Cadet Lawn Mower not an accessory vehicle to mow the pasture?" He said he has used his tractor only 300 hours in the five years he has owned it and much has been for volunteer work to a church and on three fires and a horse rescue, working free to benefit the neighborhood and yet he cannot park it on his

property as an accessory vehicle.

He said he was anxious to see a hearing officer because he could not believe it was illegal to park his lawn mower and tractor on this property, especially when the taxes on it were raised last year when everyone else's tax had been lowered. He was vexed that he was paying all those taxes and could not park his vehicles on his property. He was told he couldn't see a hearing officer unless he was in violation. So he moved his vehicles back on the property until he was notified of a violation so he could reach a hearing officer or the Board of Supervisors to ask someone, "what is the intent of that ordinance? Is the intent for me not to have any rights on that property?" He insisted he needs the equipment to keep the parcel cleaned up, unlike most of the other parcels around him that are loaded with junk and not in a good condition. He said he cannot get a water meter for the parcel because it is too small, he has no electricity on the parcel, it is simply an accessory parcel to the residential parcel and if he has no use of it why does he have to pay taxes on assessed valuation of \$178,500.

Supervisor Brock asked if there were any other kinds of violations involved.

Darren Gerard said there is no established use and you cannot park vehicles on a vacant lot. He has the ability to consolidate the parcels, he could park the vehicles behind the buildings on the other parcel, or he could form an established use for the lot for those vehicles. He said the dump truck is clearly a non- accessory vehicle.

Mr. Grimes said he is leasing the property with the house on it - he had to move his family into a larger home when his "extended family" increased in size. He did not believe he could park his equipment on that leased property. He said his neighbors, except for the one who complained, have said they would sign a petition to allow him to keep his equipment there because of his contributions to the community.

Supervisor Brock called this "an awkward situation" adding that Mr. Grimes was the kind of neighbor most would want to live near. He guessed the problem arose because he no longer lives in the adjoining house. He asked Mr. Gerard for possible solutions.

Mr. Gerard said if there was some kind of home-based business and he lived there to run that it might qualify, but that is not the case.

Supervisor Wilcox asked if there wasn't something that could be done, no other solution.

Mr. Gerard said that Mr. Grimes is now in compliance, except for the \$100 fine, but he has no option to park the dump truck back on the lot without a use..He added that one option that has been offered to Mr. Grimes is a special use permit for interim industrial use that would allow him to park his heavy vehicles and run a business off the property. But this permit would require a site plan drawn to scale, an engineer grading and drainage plan and a completed application with all those requisites. He said he believed Mr. Grimes decided that would be cost prohibitive.

Supervisor Kunasek asked for clarification on why the County is doing code enforcement if the property is in Queen Creek, which requires a certain sized lot before allowing water meters.

Mr. Gerard said he believed Mr. Grimes referred to the Chandler Heights Citrus Irrigation District water provider which has its own standard not to provide water to parcels less than an acre (he had divided his property into two parcels), independent of any zoning requirements. Supervisor Stapley added that the district has not been annexed into Queen Creek.

Supervisor Kunasek also suggested that Mr. Grimes talk to the Assessor about the property valuation.

Supervisor Stapley said that no one had really answered Mr. Grimes question on what is the intent of the ordinance. He said the intent is to keep residential property residential and to keep people from doing whatever they want to residential property to the detriment of their neighbors. He told Mr. Grimes that he had gotten into a "catch 22" situation and all felt empathy for his predicament but there was not much they Board could do but uphold the hearing officer. He said Mr. Grimes might be able to work with the water district to get an exemption or whatever might aid his cause.

Supervisor Brock said there is really no clear direction to pursue in this case. He said when neighbors bring these complaints the County has to act on it according to the law, regardless of how much they might appreciate a person's contribution to the community. He felt they must uphold the decision but asked that the fine be reduced to \$50.

Chairman Wilson added his support but said that Mr. Grimes may want to appeal his taxes on that property.

Mr. Grimes said he was in full accord with the dump truck but still did not understand what his landscape tractor was not an accessory to the property.

Darren Gerard said that any established use that is allowed as a primary use in the Rural-43 zoning would allow parking of the vehicles that are accessory to that established use. He added tractors are accessory to farms and that lot does not have the acreage under the ordinance for that to be a farm, and a primary use. He does need to establish a use that would have some type of permit or zoning clearance associated with it. He added this is vacant property, not a pasture for horses or a farm, but vacant property separate from the adjacent residence and with no established use.

Joy Rich said, "Without a principle use you cannot have an accessory use. The principle use must be allowed under the zoning and until that is achieved, none of the accessory uses are permissible. She said staff would talk with him again to explain what the principle uses are for that kind of zone.

Mr. Grimes stated, "So I have no use of my property the way it sits right now."

Ms. Rich replied that there are principles established giving legal uses for the property, "but they do not include the way you want to use it." She further clarified by saying, "You currently have no uses that you can execute on for this property."

Motion to uphold Hearing Officer's Order of Judgment with the fine reduced to \$50 and encouraging Mr. Grimes to continue to work with staff to look for a solution by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning\*\*\***

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA**

**1. SPECIAL USE PERMIT - AMERICAN WEST QUARTER HORSES**

Case Number: Z2009042  
Supervisory District: 2  
Applicant: Rich Wilson for Development Services of America, Inc.  
Location: Southwest corner of Rio Verde Dr. and 150th St. in the Rio Verde area  
Request: Modification of Stipulations to Special Use Permit for an equestrian facility (Z2006018) in the Rural-190 zoning district (approx. 9.1 ac.)  
Commission Action: Approve by a unanimous vote of 8-0 subject to stipulations 'a' - 'ee'.  
(C-44-10-027-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**2. SPECIAL USE PERMIT - VERIZON PHO CLEARWATER**

Case Number: Z2009043  
Supervisory District: 3  
Applicant: Rick Shaw & Associates for Verizon Wireless and Clearwater Hills Improvement District  
Location: Located on Red Ledge Rd. in Clearwater Hills Subdivision in the Paradise Valley area.  
Request: Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district and Wireless Communication Facility Use District 1 (approx. 0.15 ac.)  
Commission Action: Approve by a unanimous vote of 8-0 subject to stipulations 'a' - 's'.  
(C-44-10-029-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

### **REGULAR AGENDA**

**3. TEXT AMENDMENT - BILLBOARD SPECIAL USE PERMIT**

Case Number: TA2009010  
Supervisory District: All Districts  
Applicant: Beus Gilbert, PLC  
Location: County-wide

Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) for off-site advertising as a special use - Proposed MZCO Section 1301.1.41

Commission Deny by a split vote of 5-3.

Action:

(C-44-10-025-7-00)

Motion to continue to November 18, 2009, by: Supervisor Kunasek, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**4. TEXT AMENDMENT - BOARD OF ADJUSTMENT**

Case TA2009011

Number:

Supervisory All Districts

District:

Applicant: Staff-initiated

Location: County-wide

Request: Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) regarding Chapter 3, Section 303 Board of Adjustment

Commission Approval by a unanimous vote of 8-0 per staff's proposed language:

Action: RTICLE 303.9. TIME EXTENSION: \*13 PRIOR TO THE EXPIRATION OF A TIME SENSITIVE STIPULATION, AN APPLICANT MAY APPLY TO THE BOARD OF ADJUSTMENT FOR A STIPULATION MODIFICATION UNDER THE ORIGINAL CASE NUMBER SUBJECT TO A CONTINUANCE FEE TO ALLOW A SINGLE TIME EXTENSION NOT TO EXCEED 60 DAYS.

(C-44-10-030-7-00)

Motion to concur with Planning and Zoning Commission recommendation for approval by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**5. SPECIAL USE PERMIT - JIM HEATH COTTAGE INDUSTRY**

Case Number: Z2009003

Supervisory 4

District:

Applicant: Jim Heath

Location: North of Pinnacle Peak Rd. and east of 99th Ave. in the Peoria area

Request: Special Use Permit (SUP) for a Cottage Industry in the Rural-43 zoning district (approx. 0.20 ac.)

Commission Approve by a unanimous vote of 8-0 subject to stipulations 'a' - 's' .

Action: (See Note below)

Note: Waiver of requirement for access from a paved street requires unanimous vote of the Board. (C-44-10-024-7-00)

Darren Gerard reported on the background of this case and said the recommendation is for approval with Commission approved stipulations "a" through "s."

Motion to concur with Planning and Zoning recommendation for approval on a roll call

vote, by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**6. COMPREHENSIVE PLAN AMENDMENT - RANCHO MARIA**

Case CPA200913

Number:

Supervisory 4

District:

Applicant: Michael Anderson

Location: Southwest of Grand Avenue at the northwest corner of Crozier Road and Lone Mtn. Road in the Wittmann/Surprise area

Request: Modification of Stipulations to Comprehensive Plan Amendment CPA200801 (Approx. 15-.56 ac.)

Commission Action: Approve by a unanimous vote of 8-0 subject to revised stipulations 'e' and 'f'. The full set of CPA stipulations as being amended are as follows: a. Development and use of the site shall comply with the narrative report entitled, "Rancho Maria Comprehensive Plan Amendment", a document consisting of ten (10) pages dated revised February 2006 and stamped received May 30, 2006, except as modified by the following stipulations. b. Prior to final plat approval, an approved "Pre-Annexation Services Agreement" must be signed by the City of Surprise and Anderson Land & Development, and submitted to Maricopa County Planning & Development Department. c. The total number of residential units shall not exceed 383 dwelling units. d. A minimum of 30.4 acres of open space shall be provided. e. If the initial final plat for this project has not been approved within three (3) years from the date of approval of comprehensive plan amendment case CPA200913, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac) designation back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements. f. If the initial precise plan for this project has not been approved within three (3) years from the date of approval of comprehensive plan amendment case CPA200913, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Neighborhood Retail Center designation back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements. g. The following MCDOT stipulations shall apply: i. The applicant will be required to comply with all recommendations in the MCDOT - approved TIS. ii. The Applicant shall contribute their proportionate share to offsite regional roadway improvements. The contribution will be \$3,281.00 per dwelling unit. The Applicant shall pay the contribution amount at the time individual building permits are issued, or per alternate agreement as approved by MCDOT. iii. The applicant will be required to comply with all other standard MCDOT recommendations, including but not limited to: 1. Provide all-weather access. 2. Provide two means of access at all times. 3. Provide



paved access to the nearest paved roadway.4. Provide ultimate full-width construction of interior streets and half-width construction of perimeter streets. h. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. i. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat. j. The Applicant shall make a \$150.00 contribution to the Maricopa County Parks and Recreation Department for every building permit issued which will fund facilities repair and new capital improvements. k. The applicant shall make a \$596.00 life assessment for each housing unit constructed to the Maricopa County Library District, for the purposes of future library service needs. l. The following LAFB stipulation shall apply: The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language: "You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity. Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas. Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds. Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends. For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department." Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8 ½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

(C-44-10-026-7-00)

Motion to concur with the Planning and Zoning Commission recommendation for approval by resolution by Supervisor Wilcox, Seconded by Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 11:45 a.m.

ATTEST:

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Max W. Wilson, Chairman of the Board

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Fran McCarroll, Clerk of the Board

## **FLOOD CONTROL DISTRICT AGENDA**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, October 07, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Outside Attorney to the Board.

### **F-1. RESOLUTION FOR 2009 COMPREHENSIVE FLOODPLAIN MANAGEMENT PLAN AND PROGRAM**

Pursuant to A.R.S. §48-3616 B, convene the scheduled public hearing, to solicit comments and consider the adoption of Resolution 2009R011, 2009 Comprehensive Floodplain Management Plan and Program. Upon Board approval, this item will become effective October 7, 2009.

Arizona Revised Statute Section 48-3616 states that a report ".shall be prepared at least every five years beginning in 1985 and shall indicate the past efforts of the district in eliminating or minimizing flood control problems and state the planned future work of the district to eliminate or minimize flood control problems." This report requirement is in addition to the Capital Improvement Program that must be prepared annually.

As the administrator of the National Flood Insurance Program's (NFIP) Community Rating System (CRS) for unincorporated Maricopa County, the District is also tasked with completing a floodplain management plan. The floodplain management plan must review and recommend a program of activities to address the county's vulnerability to flooding and educate residents about loss reduction measures and the beneficial functions of floodplains. The NFIP awards credits for the Plan, which result in lower flood insurance rates within the unincorporated county. Maricopa County is currently rated CRS Class 5, which results in up to a 25% reduction in flood insurance rates within the unincorporated county. (C-69-10-015-6-00)

The Clerk announced that the first item on the District's agenda is a statutory hearing.

Tim Phillips, Director of the Flood Control District, said this item would adopt the District's Comprehensive Plan. It includes things that were statutorily obligations that were accomplished the past several years. The District's plan is updated every five years and this year's update includes a 50-year history of the District as it will celebrate that anniversary. He added that this year's plan, "looks at where we've been and where we're going."

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

### **F-2. JOINT RESOLUTION FOR SALE OF PERSONAL PROPERTY**

Adopt Joint Resolution FCD 2009R013, authorizing the Flood Control District of Maricopa County (District) to sell personal property that has been acquired for public works projects and to have all documents related to such sales to be signed by the Chief Engineer and General Manager of the District and/or his designee. All such sales will be done by public auction pursuant to Arizona Revised Statute Sections 48-3603 and 9-402.

The District acquires real property for public works projects and clears the property of all improvements and structures. Through that process, the real estate staff disposes of many items of personal property such as trailers, water heaters, furniture and many other items by public auction. This agenda item impacts in all Supervisory Districts. (C-69-10-023-6-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-3. STATE OF ARIZONA NAVIGABLE STREAM ADJUDICATION - GILA RIVER**

Authorize legal action in support of the State Land Department's appeal of the Arizona Navigable Stream Adjudication Commission's (ANSAC) Gila River adjudication, consistent with prior Board action relating to this issue. Discussed in Executive session on September 14, 2009. (C-69-10-025-M-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-4. IGA WITH SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICE**

Approve Intergovernmental Agreement (IGA) FCD 2009A014 for Law Enforcement Service between the Flood Control District of Maricopa County (District) and Maricopa County Sheriffs' Office. This IGA provides District funding for assignment of one full-time, trained and certified Sheriffs' Deputy to the District. The estimated cost for this IGA in Fiscal Year 2010 is \$70,230 for personnel and equipment. Additional start-up equipment costs are estimated to be \$38,289 for a total estimated cost of \$108,519.

The estimated annual cost for the additional four years to the District is \$93,340 for personnel and equipment. The IGA shall become effective when recorded at the office of the County Recorder, shall expire five years from the date of recording and shall be subject to termination with a 30-day written notice by either party.

The District operates and maintains flood control structures throughout Maricopa County. Trespassing and vandalism bring about increased annual maintenance costs to the District while creating hazardous conditions for the public. District dams and flood retarding structures, in particular, demand increased sensitivity to structural damage. This IGA provides a Sheriff's Deputy for District support, intended primarily to reduce instances of trespass and vandalism to District structures and corresponding hazards and maintenance costs. This Agenda Item impacts all Supervisor Districts. (C-69-10-024-3-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-5. JOB ORDERING CONTRACT WITH KLONDYKE CONSTRUCTION, LLC FOR CONCRETE PLACEMENT SERVICES**

Award Contract FCD 2008C038 a Job Ordering Contract for Concrete Placement to Klondyke Construction, LLC to provide miscellaneous concrete placement services. The contract will be effective for a period of two years effective the date of award by the Board of Directors and may be renewed, if mutually agreed to by both the Contractor and the Flood Control District of Maricopa County (District), for an additional three one-year periods. The total contract amount will not exceed \$6,000,000 over the two years with an annual contract amount not-to-exceed \$3,000,000.

This is a qualifications-based selection in accordance with the Maricopa County Procurement Code, Article 5, Paragraph 504, Section G and Article 5 Procurement Procedures Manual, Chapter V.

The concrete placement contract enables the District to expediently complete smaller construction projects using pre-qualified contractors. This allows the District's Operation & Maintenance (O&M) Division to continue activities, in a timely manner, regarding the maintenance of structures that provide flood protection to the citizens of Maricopa County. This agenda item impacts all Supervisory Districts. (C-69-10-028-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-6. JOB ORDERING CONTRACT WITH CACTUS ASPHALT FOR CHIP SEAL SERVICES**

Award Contract FCD 2008C039 a Job Ordering Contract for Chip Seal Services to Cactus Asphalt to provide miscellaneous chip seal services. The contract will be effective for a period of two years effective the date of award by the Board of Directors and may be renewed, if mutually agreed to by both the Contractor and the Flood Control District of Maricopa County (District), for an additional three one-year periods. The total contract amount will not exceed \$6,000,000 over the two years with an annual contract amount not-to-exceed \$3,000,000.

This is a qualifications-based selection in accordance with the Maricopa County Procurement Code, Article 5, Paragraph 504, Section G and Article 5 Procurement Procedures Manual, Chapter V.

The chip seal contract enables the District to expediently complete smaller construction projects using pre-qualified contractors. This allows the District's Operation & Maintenance (O&M) Division to continue activities, in a timely manner, regarding the maintenance of structures that provide flood protection to the citizens of Maricopa County. This agenda item impacts all Supervisory Districts. (C-69-10-027-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-7. JOB ORDERING CONTRACT WITH HUNTER CONTRACTING COMPANY FOR EARTHWORK SERVICES**

Award Contract FCD 2008C040 a Job Ordering Contract for Earthwork Services to Hunter Contracting Company to provide miscellaneous earthwork services. The contract will be effective for a period of two years effective the date of award by the Board of Directors and may be renewed, if mutually agreed to by both the Contractor and the Flood Control District of Maricopa County (District), for an additional three one-year periods. The total contract amount will not exceed \$6,000,000 over the two years with an annual contract amount not-to-exceed \$3,000,000.

This is a qualifications-based selection in accordance with the Maricopa County Procurement Code, Article 5, Paragraph 504, Section G and Article 5 Procurement Procedures Manual, Chapter V.

The earthwork contract enables the District to expediently complete smaller construction projects using pre-qualified contractors. This allows the District's Operation & Maintenance (O&M) Division to continue activities, in a timely manner, regarding the maintenance of structures that provide flood protection to the citizens of Maricopa County. This agenda

item impacts all Supervisory Districts. (C-69-10-029-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-8. IGA WITH CITY OF PHOENIX FOR DURANGO REGIONAL CONVEYANCE CHANNEL - 75TH AVENUE TO 107TH AVENUE**

Approve Intergovernmental Agreement (IGA) FCD 2009A007, Durango Regional Conveyance Channel, 75th Avenue to 107th Avenue (Project [#565]), between the City of Phoenix (City) and the Flood Control District of Maricopa County (District). This IGA is for cost sharing of the Project design. The estimated total Project design cost is \$1,100,000 with the District's share estimated to be \$550,000. The IGA shall become effective when recorded at the office of the County Recorder and shall expire 10 years from the date of recording or upon Project completion, whichever comes first.

The Durango Area Drainage Master Plan Update (ADMP) identified flooding problems in the Durango area and recommended solutions to these problems, which would provide citizens of Maricopa County with enhanced structural flood protection. This agenda item impacts Supervisor District 5. (C-69-10-026-3-00)

Supervisor Wilcox commented on the Durango Channel saying this has been discussed since she first came to this Board many years ago, and she was delighted to see it come to fruition. She added the development in that area has been heavy and the County's goal, to make this an amenity to the area has been achieved.

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-9. IGA WITH CITY OF MESA FOR OAK STREET BASIN AND STORM DRAIN DRAINAGE SYSTEM**

Approve Intergovernmental Agreement (IGA) FCD 2009A008, Oak Street Basin and Storm Drain Drainage System, between the City of Mesa (City) and the Flood Control District of Maricopa County (District). This IGA is for cost sharing of the design of the Oak Street Basin and Storm Drain Drainage System (Project). The estimated total cost share under this IGA is \$400,000.00, with the District's contribution at 65% and the City's contribution at 35%. This IGA shall become effective when recorded by the Maricopa County Recorder and shall expire five years from the date of recording or upon Project completion, whichever comes first.

The Spook Hill watershed extends from the Utey Mountains on the North and the Apache Trail on the East, to the Buckhorn-Mesa structures to the West and the South. The Spook Hill Area Drainage Master Plan (ADMP) identified existing drainage structures, drainage problems, analyzed the extent of flooding and developed alternative drainage solutions. A recommended plan (Plan) was chosen and presented to the public. The Plan has received public support from the residents of the area and adopted by the City. This Agenda item is located in Supervisory District 2. (C-69-10-030-3-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-10. IGA WITH CITY OF MESA FOR SIPHON DRAW DRAINAGE IMPROVEMENTS - PHASE 2**

Approve Intergovernmental Agreement (IGA) FCD 2009A005 for the Siphon Draw Drainage Improvements Project – Phase 2 (Project [#442]) between the City of Mesa and the Flood Control District of Maricopa County (District). This IGA is for cost sharing of the Project, construction, construction management and operations and maintenance. The estimated total Project cost is \$1,800,000 and will be shared 60% by the City of Mesa and 40% by the District with the District's share estimated to be \$720,000. The IGA shall become effective when recorded at the office of the County Recorder and shall expire five years from the date of recording or upon Project completion, whichever comes first.

The District, in cooperation with the City of Mesa, completed the East Mesa ADMP in July, 1998, which recommended the Siphon Draw Drainage Improvements Project to protect properties by the detention and conveyance of storm water during a 100-year storm event. This Agenda Item impact Supervisor District 1. (C-69-10-032-3-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-11. BIDS AND AWARD FOR WHITE TANKS FLOOD RETARDING STRUCTURE NO.3 REMEDIATION PROJECT PHASE 2**

Authorize the Flood Control District of Maricopa County (District) to issue an Invitation for Bids for Contract FCD 2008C031, White Tanks Flood Retarding Structure (FRS) No. 3 Remediation Project – Phase 2 (Project). Award the contract to the lowest responsible bidder if the bid is not more than ten percent over the engineer's estimate.

The District has completed alternative studies, which address all issues inclusive of a recently identified earth fissure risk zone. The selected alternative is a dam modification, which consists of modifications to the existing dam embankment, outlets and emergency spillway to address all dam safety issues. The White Tanks FRS No. 3 Remediation Project is being constructed in three phases. Construction of Phase 1 and 3 have been completed. The project is located in Supervisory District 4. (C-69-10-020-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-12. BIDS AND AWARD FOR EAST MESA DRAIN #4 CHANNEL IMPROVEMENTS**

Authorize the Flood Control District of Maricopa County (District) to issue an Invitation for Bids for Contract FCD 2009C025, East Mesa Drain #4 Channel Improvements (Project #442). Award the contract to the lowest responsible bidder if the bid is not more than ten percent over the engineer's estimate.

The District developed the East Mesa Drains Candidate Assessment Report to evaluate several earthen channels in unincorporated Maricopa County that are maintained by the District. The East Mesa Drain #4 Channel, which is northwest of the corner of Ellsworth Road and Broadway Road, was found to be a priority segment for channel lining improvements to mitigate erosion-related and other extensive maintenance activities. The project is located in Supervisory District 2. (C-69-10-021-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-13. BIDS AND AWARD FOR EAST MESA DRAIN #7 CHANNEL IMPROVEMENTS**

Authorize the Flood Control District of Maricopa County (District) to issue an Invitation for Bids for Contract FCD 2009C009, East Mesa Drain #7 Channel Improvements (Project #442). Award the contract to the lowest responsible bidder if the bid is not more than ten percent over the engineer's estimate.

The District developed the East Mesa Drains Candidate Assessment Report to evaluate several earthen channels in Unincorporated Maricopa County that are maintained by the District. The East Mesa Drain #7 Channel, which is east of 85th Street and north of Broadway Road, was found to be a priority segment for channel lining improvements to mitigate erosion-related and other extensive maintenance activities. The project is located in Supervisory District 2. (C-69-10-022-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**F-14. BIDS AND AWARD FOR SIPHON DRAW DRAINAGE IMPROVEMENTS - PHASE 2**

Authorize the advertisement of the Invitation for Bids of Contract FCD 2008C037 for the Siphon Draw Drainage Improvements Project – Phase 2 (Project [#442]) and award of the contract to the lowest responsible bidder, if the bid is not more than ten percent over the engineer's estimate for the Project.

The Siphon Draw Drainage Improvements Project will provide 100-year protection to an area of the City of Mesa (City) west of Meridian Road and near Elliot Road. This contract for Phase 2 of the Project will include one-half mile of concrete-lined channel, maintenance roads, 500 feet of rock-lined channel, and associated structures. The District will administer the construction contract and provide the construction management. This Agenda item impacts Supervisor District 1. (C-69-10-031-5-00)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board



## **LIBRARY DISTRICT AGENDA**

The Board of Directors of the Library District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, October 07, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Outside Attorney to the Board.

### **L-1. GRANT THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE WHITE TANK BRANCH LIBRARY & NATURE CENTER**

Accept the grant funding through the American Recovery and Reinvestment Act of 2009 to the Maricopa County Library District in the amount of \$540,000 to fund an onsite photovoltaic system at the White Tank Branch Library & Nature Center.

Indirect costs are not applicable the Library District portion of the grant. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation and, therefore, expenditures of these revenues are not prohibited by the budget law. The total grant funding is the amount of \$3,567,800 from the US Department of Energy. The term of the grant is from August 31, 2009 through August 30, 2012.

The Library Districts on-site photovoltaic system will initially produce about 80,000 KWH annually or 21% of the buildings power needs. The on-site system will prevent the equivalent of 88,574 pounds of CO2 during the first year of operation or 2,564,443 pounds of CO2 prevention over the 30 year life of the system. According to the EPA, that equates to 63.2 metric tons of avoided CO2 emissions. (C-65-10-007-G-00)

Blue Crowley, citizen, said he would like the solar energy level expanded up to 50% from what it currently is, at 21%.

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

### **MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board